



RULEMAKING MANUAL
2023

JOHN R. ASHCROFT

SECRETARY OF STATE





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July 2023

Dear Fellow Missourians:

The Missouri Secretary of State's office is tasked with prescribing uniform procedures for the promulgation of administrative rules under Section 536.023, RSMo. My office regularly updates the *Missouri State Rulemaking Manual* with new information and features. Please reference this valuable resource when drafting, revising, or rescinding rules.

The secretary of states office is committed to transparency and accountability while providing information and resources in a timely and convenient manner. Not only should the rulemaking process be user friendly, I believe it should be easily accessible.

We are available to help should you need assistance navigating the rulemaking process. Please email rules@sos.mo.gov or call (573) 751-4015 if you have questions.

Sincerely,

A handwritten signature in black ink that reads "John R. Ashcroft".

John R. Ashcroft

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FOREWORD

Section 536.023, RSMo, charges the Office of the Secretary of State with the duty, as “publisher,” to provide the guidelines and procedures for numbering, indexing, and publishing of all rulemaking, notices of proposed rulemaking, and orders of rulemaking in the *Code of State Regulations* and the *Missouri Register*.

To this end, we provide the *Missouri State Rulemaking Manual*, which is designed to be a tool for the user in making the rulemaking process a less burdensome one.

The rulemaking manual was last updated in April 2021. In this updated version, we have maintained a user-friendly approach to the process.

We continue to strive to better serve you in the rulemaking process. If you have questions, tips, suggestions, or comments, please feel free to contact the Administrative Rules staff at rules@sos.mo.gov or call the Administrative Rules main number (573) 751-4015 or fax to (573) 751-3032. We are here to assist you in any way we can and hope you will not hesitate to contact us.



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OUR DUTIES TO STATE AGENCIES AND THE PUBLIC

The duties of Administrative Rules of the Office of the Secretary of State are set forth in Chapter 536, RSMo. Specifically, we are designated as the publisher of the *Missouri Register* and *Code of State Regulations*. It is our privilege and responsibility to assist members of the public and state agencies in the rulemaking process. Our hope is that we can make the process as “user friendly” as possible, and we stand ready to assist you in any way we can with the rulemaking process.

We offer to you the *Missouri State Rulemaking Manual* as a tool designed to assist you in the rulemaking process. Additionally, we will provide to you, at no cost, rulemaking classes to train you and/or your staff in the proper procedural steps of the rulemaking process. Classes can be in person or virtual. We believe this class offers some tips and advice that are beneficial to all, from the seasoned user of the rulemaking process to the new user who is designated as the person to prepare rulemakings.

To this end, section 536.023, RSMo, specifically states that the Office of the Secretary of State shall prescribe, in writing, the uniform procedures for the numbering, indexing, form, and publication of all rules, notices of proposed rulemaking, and orders of rulemaking. These procedures can be found in the *Missouri State Rulemaking Manual*, published by Administrative Rules. The Office of the Secretary of State also establishes a form that each state agency must use in compiling the fiscal note and declaration required by sections 536.200, 536.205, and 536.215, RSMo, which is available at sos.mo.gov/adrules/forms.

We also publish a *Style Guide for Rule Writers*, which is available online at sos.mo.gov/adrules/styleguide. This guide addresses style that is specific to administrative rules published in the *Missouri Register* and *Missouri Code of State Regulations* and is not intended as a comprehensive grammar and usage reference. The intent of this style guide is to familiarize agency rule drafters with the kinds of stylistic vices that Administrative Rules editors seek to correct in rule text. An agency’s rules may contain exceptions to many of the suggestions in this style guide; however, most new rules can be written to conform with the standards contained herein. Administrative Rules relies upon the *United States Government Printing Office Style Manual (GPO Style Manual)* and *The Redbook: A Manual On Legal Style* (Bryan A. Garner) for reference in formatting and styling of rules.

We are given statutory authority to correct typographical errors or spelling errors in the publication of rules (see section 536.033, RSMo). We always communicate with the agency involved and seek agency input regarding the suggested corrections for publication. You may communicate with us via email, telephone, fax, or in person, whichever you prefer. You will find our email address located at the front of this manual.

The Joint Committee on Administrative Rules also has separate authority relating to rulemaking that is specifically set out in the statutes. See section 536.028, RSMo.

MISSOURI REGISTER

The *Missouri Register* is published by the secretary of state as required by section 536.015, RSMo. It is published online twice each month and organized in the format established by the secretary of state. The function of the *Missouri Register* is to encourage and solicit public participation in the rulemaking process. The *Missouri Register* is organized into the following sections:

Table of Contents – A list of agencies with rulemakings in the current issue and the deadline dates for filing and publication in the *Missouri Register* and the *Code of State Regulations*.

Emergency Rules – Emergency rulemakings promulgated under the provisions of section 536.025, RSMo.

Executive Orders – All executive orders issued (by the governor) are published under the provisions of section 536.035.2., RSMo.

Proposed Rules – New rules, amended rules, or rescissions are published under the provisions of section 536.021, RSMo.

Orders of Rulemaking – Final versions of rules adopted, amended, rescinded, or withdrawn under the provisions of section 536.021, RSMo.

In Additions – Notices required to be published in the *Missouri Register*.

Rules Under Consideration – An agency may solicit comments on subject matter pursuant to section 536.026, RSMo.

Other Documents – This includes the Contractor Debarment List, Construction Transient List, and Corporate Dissolutions.

Rule Changes Since Update, Emergency Rule Table, Executive Orders Table, Register General Index – User guides that are updated each publication and are designed to assist users in finding rules that are in the process of rulemaking.

Free access to the Register is available on the Internet at – sos.mo.gov/adrules/moreg/moreg

Volume 47, Number 10
Pages 727-774

May 16, 2022



REGISTER

John R. Ashcroft Secretary of State

MISSOURI CODE OF STATE REGULATIONS

The *Missouri Code of State Regulations* is the final product in the rulemaking process. It is also referred to as the *Code of State Regulations* or simply the Code.

Administrative Rules of the Office of the Secretary of State publishes the *Missouri Code of State Regulations*. The Code is published on the Internet. The Code is updated monthly and, although the total number of pages changes from month-to-month, it contains approximately eleven thousand (11,000) pages.

Rules, amendments, and rescissions are published in the Code only after completing the rulemaking process. Once a final order of rulemaking has been published in the *Missouri Register*, that rulemaking is updated in Code.

Final Orders to Code

Final orders that appear in the two *Missouri Registers* published each month are published in the Code on the last day of that same month. For example, all orders published in the March 1 and March 15 issues of the *Missouri Register* are published in the *Code of State Regulations* update on March 31.

EFFECTIVE DATES

Normal Effective Date

A normal rulemaking is effective no sooner than thirty (30) days after it is published in the Code. For example, a rulemaking is published in the March 31 Code update. That rulemaking would be effective April 30 (March 31 + 30 days = April 30). Of course, not every rulemaking follows this rule; there are a few exceptions to the rule.

Later Effective Date

An agency promulgating rules could elect to have a later effective date. For example, if an agency wants its rulemaking to be effective on July 1, when the new fiscal year starts, they may make it effective July 1 if July 1 is at least thirty (30) days after publication of the Code update in which the rulemaking appears. Let's say the normal thirty- (30-) day effective date is June 30 for this order. Since July 1 is more than thirty (30) days after the publication date, the agency may give its rulemaking the later effective date. In this example, they could make the effective date any day after June 30 but could not make it before June 30.

Those Few Exceptions That

Can Have Early Effective Dates

There are a few agencies that, through constitutional or statutory exceptions, may have a rulemaking become effective earlier than thirty (30) days after the rulemaking has been published in the Code. In these cases, there are very specific exceptions for only certain

types or parts of rules (see section 536.021.8., RSMo). These special effective dates are acknowledged and bolded in the order of rulemaking published in the *Missouri Register*.

Free access to the Code is available on the Internet at sos.mo.gov/adrules/csr/csr.

MISSOURI CODE OF STATE REGULATIONS

CODE INDEXES

The *Code of State Regulations* contains four (4) different indexes. They can be found online at sos.mo.gov/adrules/csr/current/indexes/index.

Changed Rule Number Index

This index gives the original rule number of the rule, the number the rule was changed to, the effective date of the change, and the *Missouri Register* citation in which the rule was changed.

General Index

This index cites rules by agency headings, topics, and descriptions.

Revised Statutes of Missouri Cross-Referenced to *Code of State Regulations* – RSMo to CSR

This index lists statutes numerically that are referred to in the Code and cites each rule that refers to the statute.

Revised Statutes of Missouri Cited or Referred to in the *Code of State Regulations* – CSR to RSMo

This index lists rules numerically and the statutes that are referred to in each rule. This is the reverse of the index that is described above.

GENERAL INDEX

1

20 PERSONNEL ADVISORY BOARD AND DIVISION OF PERSONNEL

20-1.010

IES MANAGEMENT, DESIGN
Maintenance Program
pletion; 1 CSR 30-3.040
)
tion/management services;

Revised Statutes of Missouri
CROSS-REFERENCED TO
Code of State Regulations

Mo	CSR	RSMO
99	Art. IV, sec. 30(a)	
l 2040-1.010	Art. IV, sec. 40	
SR 20-4.061		3 CSR 10-2
R 45-49.010		3 CSR 10-3
R 45-51.030		3 CSR 10-3.010
R 45-52.030	Art. IV, sec. 40	3 CSR 10-4
R 45-53.030		3 CSR 10-4.110
R 10-112.010		3 CSR 10-4.111
R 40-50.010		3 CSR 10-4.113
SR 10-1.010		3 CSR 10-4.117
SR 30-15.010		3 CSR 10-4.130
l 2010-2.061		3 CSR 10-4.135
R 45-49.010		3 CSR 10-4.136
R 10-20.805		3 CSR 10-4.137
6 CSR 10-1		3 CSR 10-4.140
19 CSR 10-1		3 CSR 10-4.141
SR 40-1.010		3 CSR 10-4.145
SR 50-1.010		3 CSR 10-4.200
SR 10-7.010		3 CSR 10-5
CSR 10-7.010		3 CSR 10-5.205
SR 30-3.030		3 CSR 10-5.215
SR 30-3.040		3 CSR 10-5.220
SR 30-3.050		3 CSR 10-5.222
7 CSR 10-1		3 CSR 10-5.225
CSR 10-1.010		3 CSR 10-5.300
IR 10-16.020		3 CSR 10-5.310
IR 10-16.025		3 CSR 10-5.315
IR 10-16.035		3 CSR 10-5.320
IR 10-16.035		3 CSR 10-5.330
IR 10-16.045		3 CSR 10-5.331
IR 10-16.050		3 CSR 10-5.340
SR 10-17.020		3 CSR 10-5.345
SR 10-17.030		3 CSR 10-5.351
SR 10-17.040		3 CSR 10-5.352
SR 10-17.050		3 CSR 10-5.359
		3 CSR 10-5.360

THE PLAYERS IN RULEMAKING

- The Legislature passes statutes which give rulemaking authority to state agencies.
- State agencies promulgate rulemakings based on statutory authority.
- Administrative Rules of the Office of the Secretary of State publishes both the *Missouri Register* and the *Code of State Regulations*. We assist state agencies and the public in understanding the rulemaking process.
- The Joint Committee on Administrative Rules (JCAR) monitors agency rulemakings to make sure that they do not exceed their statutory authority.

HOW ARE RULES CREATED?

Where do rules come from?

Rules can only be written if a statute authorizes a state agency to write a rule pertaining to a particular subject. There are a few rules that are authorized by the *Missouri Constitution*, but the vast majority of rules exist by statutory authority. *So how does a state agency promulgate a rule?*

How are rules created?

1. An agency writes a rule, based on authority from specific statutes in the *Missouri Revised Statutes* (RSMo). Once the rule is written by the agency, the remaining required paperwork is compiled. The agency is then ready to file the rulemaking.
2. If an agency is part of the executive branch, they must prefile with the governor's office to get a letter of approval prior to filing.
3. The next step to create a rule is to file a proposed rule with the Small Business Regulatory Fairness Board, if applicable, the Joint Committee on Administrative Rules (JCAR), and Administrative Rules of the Office of the Secretary of State by email **on the same day**.
4. According to the *Missouri Register* publication schedule, Administrative Rules publishes the proposed rule thirty to forty-five (30–45) days later in the *Missouri Register*. Whether the rulemaking is published at the first or the middle of each month in the *Register* is determined by the filing date of the rulemaking. The timeline calculator available at sos.mo.gov/adrules/datecalc/ is a useful tool to help with determining filing and publication dates.

Rulemaking Timeline Calculator

This rulemaking timeline calculator is intended only as an aid in calculating rule filing dates and deadlines and is not a substitute for the user independently checking the accuracy of the dates and deadlines. The user is ultimately responsible for ensuring such dates and deadlines are accurate and correct.

Instructions:

1. Select the type of rulemaking from the drop down box below.
2. Use the calendar to select the date filed.
3. Then press the compute dates button.
4. Calculated dates and other information will appear below.

Select type of rulemaking:

Enter date to be filed with Administrative Rules Division, Office of the Secretary of State:

Override minimum thirty-day comment period. Use only when there is a public hearing or longer comment period.

HOW ARE RULES CREATED?

5. Following publication, there must be a public comment and/or public hearing period that extends a minimum of thirty (30) days **after** the date of publication of the proposed rulemaking in the *Missouri Register* (see 536.021, RSMo). **The agency** must act on the rulemaking within ninety (90) days following the close of public comment, or the rulemaking lapses. The agency may withdraw the rulemaking at any time.
6. Once the public comment and/or public hearing period is closed, information from the comments and/or public hearing is compiled by the agency and the agency writes the final order of rulemaking for the proposed rulemaking.
7. A copy of the final order of rulemaking for the proposed rulemaking is next **filed** by the agency **only** with the Joint Committee on Administrative Rules by email. (This is required for all agencies, except in some instances for specific rulemakings from these specific departments: the Department of Conservation, the Department of Elementary and Secondary Education, and the Department of Labor and Industrial Relations Commission.)
8. The final order of rulemaking is retained by the Joint Committee on Administrative Rules for a thirty- (30-) day review period. Once the thirty- (30-) day review period is completed, the agency may then, and only then, file the final order of rulemaking packet they received back from JCAR with Administrative Rules by email for publication in the *Missouri Register*. However, the agency must file the order prior to ninety (90) days after the end of the comment period or the rulemaking will become void.
9. At the end of each month, the rules that are published as final orders of rulemaking in the *Missouri Register* are prepared in final form for publication in the update to the *Code of State Regulations* by Administrative Rules.
10. These rules become effective thirty (30) days after the publication date of the update to the *Code of State Regulations*. An agency, at their discretion, may choose a later date. Exceptions to these effective dates are set by statute.
11. Once a rule becomes effective, it has the force and effect of law.
12. Agencies must file a Statement of Actual Cost, if applicable, for public cost after the first full fiscal year.
13. Agencies may amend or rescind existing rules by going through the same process which is outlined in the above steps. However, an agency may only have one (1) rulemaking procedure in place at a time for each rule. The rulemaking must be ordered before it can begin the amendment process again.

AGENCY RESPONSIBILITIES

Agency Rulemaking Policy

Any state agency that proposes rules must adopt rulemaking procedures (section 536.016, RSMo). These procedures should determine if a rule is necessary to carry out the purposes of the statute authorizing the rulemaking. This determination should include an assessment of the effectiveness and costs of the rulemaking both to private and public person(s) or entity(ies).

This policy and procedure is an internal (within your agency) document that each agency should permanently file with their rulemaking copies.

Delegation of Authority

Just as your agency has a responsibility to adopt an internal rulemaking policy and keep the same on file within your office(s) (section 536.016, RSMo), you also have the responsibility to furnish Administrative Rules with the proper delegation of authority, including applicable signatures, for rulemaking authority for your agency.

Please address a cover letter to Administrative Rules, stating to whom authority is delegated for ***all phases*** of rulemaking within your agency. A Delegation of Authority form is available online at sos.mo.gov/adrules/forms. This delegation of authority will extend from the cover letter to declaration, fiscal note(s), and actual final orders of rulemaking for all types of rules. The letter must also contain an exact verification of signature of the person to whom authority has been delegated. This should be emailed to rules@sos.mo.gov with "Delegation" in the subject line.

It is the responsibility of our office to allow ***only those persons*** to whom this authority has been delegated to file any stage of rulemaking. This policy is for the protection of your agency, as well as the Office of the Secretary of State, Administrative Rules.

PROPOSED RULEMAKING

A proposed rulemaking is the first step in the rulemaking process. There are three (3) distinct types of proposed rulemakings – proposed rule, proposed amendment, and proposed rescission.

A **proposed rule** is used to address new issues or situations in an agency's area of expertise. A new rule may be necessary or desirable because of a change in the law, statute, or circumstances. A proposed rule is, therefore, a new rule that an agency has under consideration for adoption and is subject to comments from the general public. The entire text of the proposed rule will be published in the *Missouri Register*. The rule does not become effective until all of the statutorily prescribed steps have been taken.

A **proposed amendment** is a change to an existing rule. The change may be necessary or desirable because of a change in the law, statute, or circumstances. A proposed amendment indicates a change to a rule that is currently published in the *Code of State Regulations* and the proposed change is subject to comments from the general public. If changes to a rule occur in a subsection of the rule, the section, subsection, and all text indented under this subsection must be submitted for publication. All material to be deleted from the rule will be placed in *[brackets and italic]* typeface, and all new material in the rule will be printed in **bold** typeface, after any bracketed text. If text is already bold (e.g., rule titles), then any addition to that text will be printed in **bold italic**. If the majority of the rule is being rewritten, it might be beneficial to rescind and readopt the rule. This allows for the rule to be completely rewritten, yet it retains the entire history of the rule in the Authority Section of the readopted rule. The amended rule does not become effective until all of the statutorily prescribed steps have been taken.

A **proposed rescission** is a repeal of an existing rule. A rescission may be necessary because the rule has become obsolete or there is a change in circumstances. A proposed rescission requires the publication of the rule number and title, a past-tense version of the rule purpose, the purpose of the rescission, and the authority section. The text of the rule will not be published. The proposed rescission is subject to comments from the general public. The proposed rescission does not become effective until all of the statutorily prescribed steps have been taken.

All proposed rulemakings are published in the *Missouri Register*.

This section is divided into three (3) subsections – Proposed Rule, Proposed Amendment, and Proposed Rescission.

PROPOSED RULE

STEP 1: PREPARING FOR A PROPOSED RULE

- Determine the statutory authority
- Determine whether a rule is necessary (536.016, RSMo)
- Determine economic impact on small businesses (Executive Order 96-18, sections 536.300–536.328, RSMo, 4 CSR 262-1.010 and 4 CSR 262-1.020, and HB 191, 2009)
- Perform a takings analysis (536.017, RSMo)
- Determine the cost(s) associated with the rule (536.200 and 536.205, RSMo)
- Determine the rule number after consultation with Administrative Rules

STEP 2: PARTS OF A PROPOSED RULE

- Header
- Rule Number and Title
- Purpose for Rule
- Text
- Forms (if applicable)
- Authority
- Cost Statements
- Notice of Comment and Public Hearing
- Fiscal Note(s) (if applicable)

STEP 3: DRAFTING A PROPOSED RULE

Please use 11- or 12-point type.

Write the text of the rule.

Rule text is presented in the following subdivisions:

Section (1)
Subsection (1)(A)
Paragraph (1)(A)1.
Subparagraph (1)(A)1.A.
Part (1)(A)1.A.(I)
Subpart (1)(A)1.A.(I)(a)
Item (1)(A)1.A.(I)(a).I.
Subitem (1)(A)1.A.(I)(a).I.a.

It may be difficult for the reader to follow a requirement that is buried deep in the subdivisions. Therefore, you may want to limit the number of subdivisions into which you divide your rule.

When using numbers, spell out the number followed by the number in numeric figures in parentheses (e.g., seventy-five (75)). We refer to this as “doubling the number.”

PROPOSED RULE

Example

Header. This is written in **bold** typeface and includes number and name of department, number and name of division, and number and name of chapter.

TITLE 15 – ELECTED OFFICIALS
Division 30 – Secretary of State
Chapter 750 – Painless Rulemaking

Type of rulemaking.

PROPOSED RULE

Number and title. This is written in **bold** typeface.

15 CSR 30-750.007 Filing Rules

PURPOSE statement. This statement gives a brief explanation of the rule. It is written in *italic* typeface.

PURPOSE: This rule explains how to file rules.

PUBLISHER'S NOTE: This statement indicates that material has been incorporated by reference in the rule (see section (4) in the example). It is written in *italic* typeface. This statement is needed only if material is incorporated by reference. Any material incorporated by reference must be available on a permanent basis at your agency.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

Write the text of the rule.

(1) Rules may be filed any Monday through Friday from 8:00 a.m. to 5:00 p.m. except such days when state offices are closed, including –

- (A) Saturdays;
- (B) Sundays;
- (C) State holidays; and
- (D) Other days the state offices are closed.

(2) Rules should be filed electronically with Joint Committee on Administrative Rules (JCAR) at JTCAR@senate.mo.gov.

(3) Rules should be filed electronically with the Office of the Secretary of State, Administrative Rules, at rules@sos.mo.gov.

PROPOSED RULE

Example—continued

If forms are published with the rule, the language “included herein” must appear in the text of the rule. The form will appear before the authority section.

Reference material may be incorporated in the text of the rule by using the language “incorporated by reference.” A current copy of this material must be on file and permanently available with your own agency. The material is not discarded when the material is updated. Additionally, for all incorporated by reference material, it is required by 536.031.4., RSMo, that the publisher, publisher’s address, and the date of the publication be printed in the text of the rule. There must also be a statement which says “This rule does not incorporate any subsequent amendments or additions.” A publisher’s note will be printed with the rule.

(4) Agencies filing rules should include in their PDF packet all required paperwork which includes the following:

- (A) Transmittal sheet, included herein;
- (B) Cover letter;
- (C) Declaration;
- (D) Rulemaking; and
- (E) Fiscal note(s) and form(s) (if applicable to rule).

(5) The procedures to be followed in writing and filing a rule are found in the *Missouri State Rulemaking Manual*, Revised 2021, which is incorporated by reference in this rule as published by the secretary of state and available at Administrative Rules, 600 W. Main St., Room 168, Jefferson City, Missouri. This rule does not incorporate any subsequent amendments or additions.

Example of form that is “included herein” with the rule

 13 CSR 35-71—DEPARTMENT OF SOCIAL SERVICES Division 35—Children’s Division

RL—8
(Rev. 4/79)

Application For License/Approval To Operate:

Child Caring Agency
Group Home For Children
Child Placing Agency

We hereby make application to the Division of Family Services, Department of Social Service, for a License/Approval to operate a Child Caring Agency, Group Home and/or a Child Placing Agency. We agree to abide by the rules prescribed by the Division of Family Services.

1. Name of Agency _____ *(To Appear on License)* _____ *(Phone Number)* _____

2. Address _____ *(Street and Number)* _____ *(City)* _____ *(County)* _____ *(Zip Code)* _____

2. Address _____ *(Street and Number)* _____ *(City)* _____ *(County)* _____ *(Zip Code)* _____

3. Satellite Operations:

_____ <i>(Name)</i> _____ <i>(Street & Number)</i> _____ <i>(City, County, Zip Code)</i> _____	_____ <i>(Name)</i> _____ <i>(Street & Number)</i> _____ <i>(City, County, Zip Code)</i> _____
_____ <i>(Name)</i> _____ <i>(Street & Number)</i> _____ <i>(City, County, Zip Code)</i> _____	_____ <i>(Name)</i> _____ <i>(Street & Number)</i> _____ <i>(City, County, Zip Code)</i> _____
_____ <i>(Name)</i> _____ <i>(Street & Number)</i> _____ <i>(City, County, Zip Code)</i> _____	_____ <i>(Name)</i> _____ <i>(Street & Number)</i> _____ <i>(City, County, Zip Code)</i> _____

4. Community need defined by survey with:

A. United Way ()
B. Juvenile Court ()
C. Division of Family Services ()
C. Other _____

5. Conducted under the auspices of _____ *(Name of Sponsoring Organization)*

6. Approved by or affiliated with: (Indicate)

A. National Associations _____
B. State Associations _____
C. Local Associations _____

7. Date Organized _____ 8. Date Incorporated _____

9. Religious, racial or other limitations of admission: (Explain) _____

MO 888-2719

36 CODE OF STATE REGULATIONS (2/28/22) JOHN R. ASHCROFT
Secretary of State

PROPOSED RULE

Example—continued

AUTHORITY SECTION. This gives the most recent statutory cite for authority to promulgate the rule. It also gives the date the rule was filed.

PUBLIC COST (requires declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

NOTICE TO SUBMIT COMMENTS is a statement that anyone may file a comment in support of or in opposition to the proposed rule at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed rule in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed rule and the address to which the comments should be directed (536.021.2.(5), RSMo). If no hearing is to be held, a statement to that effect must be included (536.021.2.(6), RSMo).

NOTICE OF PUBLIC HEARING is a statement that gives the time and location of a hearing, if ordered.

NOTE: A hearing cannot be held less than thirty (30) days after publication of the notice of proposed rulemaking in the *Missouri Register* (536.021.2.(6), RSMo).

AUTHORITY: section 536.023, RSMo 2016. Original rule filed Jan. 15, 2019.

PUBLIC COST: *This proposed rule will cost state agencies or political subdivisions three thousand six hundred seventy-eight dollars (\$3,678) in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with [agency name and address]. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

OR

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with [agency name and address]. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for [time, date, place, and address of hearing].*

PROPOSED RULE

STEP 4: PREPARING THE RULE PACKET FOR FILING

A. Prepare rule transmittal sheet

**Secretary of State
Administrative Rules
RULE TRANSMITTAL**

Administrative Rules Stamp

This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and who to contact with questions. Please include extension numbers.

Rule Number _____

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content _____ Phone _____ FAX _____

Email address _____

Data Entry _____ Phone _____ FAX _____

Email address _____

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking Rule Amendment Rescission Termination
Effective Date for the Emergency _____

Proposed Rulemaking Rule Amendment Rescission

Rule Action Notice In Addition Rule Under Consideration

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking Withdrawal Adopt Amendment
Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

This section describes the type of rulemaking action and dates necessary for filing.

Small Business Regulatory Fairness Board (DED) Stamp

JCAR Stamp

PROPOSED RULE

B. Prepare cover letter on agency letterhead

Form available at sos.mo.gov/adrules/forms/

Address letter to the secretary of state.

List rule number and title (may include more than one (1) rule).

Certify that the attached are complete and accurate copies of the proposed rule.

State that a takings analysis has occurred.

State economic impact on small businesses.

State that the rulemaking complies with the provisions of sections 536.300–536.310, RSMo.

Example

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

Re: *Rule Number and Title*

Dear Secretary,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by *name of your department, board, or commission*.

The *name of your department, board, or commission* further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

The [*name of your department, board, or commission*] has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

If there are any questions regarding the content of this proposed rulemaking, please contact:

Name, address, phone number, email

PROPOSED RULE

Example—continued

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules.

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

C. Prepare letter for JCAR

This letter will be similar to the letter for SOS, except addressed to the Joint Committee on Administrative Rules, State Capitol, Room 138, Jefferson City, MO 65101.

D. Prepare declaration (public cost)

Example

DECLARATION OF PUBLIC COST

Cost less than five hundred dollars (\$500) – state that the cost is less than five hundred dollars (\$500) in the aggregate to this agency, any other state agency, or political subdivision.

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the cost of proposed rule *insert rule number*, is less than five hundred dollars in the aggregate to this agency, any other agency of state government, or any political subdivision thereof.

Requires signature of **proper** authority.
(This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 11.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

Cost greater than five hundred dollars (\$500) – state that the cost is a reasonably accurate estimate.

Example

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the proposed rule to *insert rule number* is a reasonably accurate estimate.

Requires signature of **proper** authority.
(This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 11.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

PROPOSED RULE

E. Fiscal notes – Public and Private

Forms available at sos.mo.gov/adrules/forms

1. Prepare a public fiscal note when public cost is greater than five hundred dollars (\$500) (536.200, RSMo)

FISCAL NOTE PUBLIC COST

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
	Summary of fiscal impact

III. WORKSHEET

Detailed estimated cost of compliance

IV. ASSUMPTIONS

Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to make sure the numbers match.

PROPOSED RULE

2. Prepare a private fiscal note when private cost is greater than five hundred dollars (\$500) in the aggregate (section 536.205, RSMo)

FISCAL NOTE PRIVATE COST

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Summary of fiscal impact – number and type of entities affected and the associated cost of the proposed rule		

III. WORKSHEET

Detailed estimated cost of compliance with the proposed rule

IV. ASSUMPTIONS

Agency's assumptions, references, and methods of acquiring information that result in the conclusions contained in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to make sure the numbers match.

PROPOSED RULE

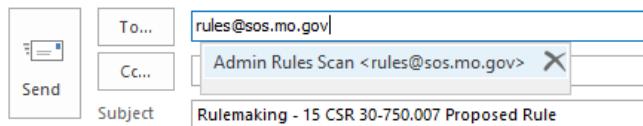
F. Prepare any forms for filing that have been “included herein” in the text of the rule.

G. Set aside a copy of all materials incorporated by reference to be maintained and accessible in your office for public inspection. (See 536.031.4., RSMo)

H. Materials that are incorporated by reference must be available at your agency on a permanent basis. Please archive the materials even after a newer version is being used so that they may be used as historical data.

I. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject. Please use 11- or 12-point type for the rule text.

NOTE: If you are preparing multiple rules, please prepare a separate email attachment for each rulemaking.



1. Rule Transmittal Sheet;
2. Letter from governor's office;
3. Cover letter for secretary of state;
4. Letter for JCAR;
5. Declaration;
6. Rule;
7. Fiscal note(s) (if applicable);
8. Forms (“included herein”); and
9. A properly formatted email attachment in Microsoft W

STEP 5: FINAL PREPARATIONS

Assemble packet for each rule in the following order:

1. Rule Transmittal Sheet;
2. Letter from governor's office;
3. Cover letter for secretary of state;
4. Letter for JCAR;
5. Declaration;
6. Rule;
7. Fiscal note(s) (if applicable);
8. Forms (“included herein”), if applicable; and
9. A properly formatted email attachment in Microsoft Word containing the proposed rule.

Make one (1) PDF packet for filing.

If there is a cost to small business, the agency will need to prepare a small business impact statement, to be included in the PDF packet. Additionally, a PDF packet will need to be emailed to the Small Business Regulatory Fairness Board at sbrfb@ded.mo.gov the same day the PDF packet is filed with JCAR.

STEP 6: FILING OF RULE

On the same day –

Make sure you have emailed an attachment to rules@sos.mo.gov **prior** to filing the rule at SOS containing the text of the proposed rule formatted in Microsoft Word; and

Email PDF packet to JCAR for filing at JTCAR@senate.mo.gov. JCAR will then forward a stamped copy to Administrative Rules, Office of the Secretary of State (SOS). Administrative Rules, SOS will then date-stamp and send a copy of the stamped PDF packet back to the agency.

NOTE: Filings made later in the day may not receive their stamped PDF packet until the next business day.

If there is a cost to small business, email a PDF packet to sbrfb@ded.mo.gov.

PROPOSED RULE

STEP 7: STATEMENT OF ACTUAL COST (536.200.2., RSMo)

After the first full fiscal year of implementation of the rule –

- Review the original public fiscal note for estimated cost greater than five hundred dollars (\$500) or declaration if the original cost was projected to be not more than five hundred dollars (\$500).
- Determine the actual cost to all affected entities.
- If the actual cost is greater than ten percent (10%) of the estimated cost or has exceeded five hundred dollars (\$500), a STATEMENT OF ACTUAL COST must be published. This statement must include the original estimated cost, together with the actual cost, as determined by the agency.
- The statement must be published as an In Addition in the *Missouri Register* within ninety (90) days after the close of the first full fiscal year. If this statement is not published, the rulemaking will be void and of no further force or effect.

Example

Title 15 – ELECTED OFFICIALS Division 30 – Secretary of State Chapter 750 – Painless Rulemaking

STATEMENT OF ACTUAL COST

15 CSR 30-750.003 Filing Requirements

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on January 2, 2014 (39 MoReg 14–15). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2016, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was two thousand four hundred fifty-six dollars (\$2,456) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was three thousand five hundred dollars (\$3,500).

Title 10 – ELECTED OFFICIALS Division 30 – Secretary of State Chapter 750 – Painless Rulemaking

STATEMENT OF ACTUAL COST

15 CSR 30-750.007 Filing Rules in Person

The original estimated public cost published for this rulemaking in the *Missouri Register* on January 2, 2014 (39 MoReg 16) was less than five hundred dollars (\$500). The cost to state agencies and political subdivisions has exceeded five hundred dollars (\$500). Therefore, pursuant to section 536.200.2, RSMo 2016, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was less than five hundred dollars (\$500) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was two thousand five hundred dollars (\$2,500).

PROPOSED AMENDMENT

STEP 1: PREPARING FOR A PROPOSED AMENDMENT

- Determine the statutory authority
- Determine whether the amendment is necessary (536.016, RSMo)
- Determine economic impact on small businesses (Executive Order 96-18, sections 536.300–536.328 and 1.310, RSMo, and 4 CSR 262-1.010 and 4 CSR 262-1.020)
- Perform a takings analysis (536.017, RSMo)
- Determine the cost associated with the amendment (536.200 and 536.205, RSMo)
- Obtain a copy of the rule as it now appears in the *Code of State Regulations* from the Internet at sos.mo.gov/adrules/agency/

If an amendment occurs in a section of a rule, the entire section will be published. If an amendment occurs in a subsection of the rule, the entire section, subsection, and all subdivisions indented under this subsection must be submitted for publication. All material to be deleted from the rule will be placed in *[brackets and italic]* typeface, and all new material in the rule will be printed in **bold** typeface, after any bracketed text. If text is already bold (e.g., rule titles), then any addition to that text will be printed in ***bold italic***.

If the majority of the rule is being rewritten, it might be beneficial to rescind and readopt the rule. This allows for the rule to be completely rewritten, yet it retains the entire history of the rule in the authority section of the readopted rule. The amended rule does not become effective until all of the statutorily prescribed steps have been taken.

STEP 2: PARTS OF A PROPOSED AMENDMENT

- Header
- Rule Number and Title of the Rule
- Purpose for Amendment
- Text
- Form(s) (if applicable)
- Authority
- Cost Statements
- Notice of Comment and Public Hearing
- Fiscal Note(s) (if applicable)

PROPOSED AMENDMENT

STEP 3: DRAFTING THE TEXT OF A PROPOSED AMENDMENT

Please use 11- or 12-point type.

Header. This is written in **bold** typeface and includes number and name of department, number and name of division, and number and name of chapter.

Type of rulemaking.

Number and title. This is written in **bold** typeface.

Write a statement to follow the title stating what is being amended. If forms are to be deleted from the rule, a reference to the deleted material is included in this statement.

Write a *PURPOSE* statement giving the reasons for amending the rule. (This is different from the original *PURPOSE* of the rule that is found in the *Code*.) This is written in *italic* typeface.

Draft the text of the amendment.

Material that is being deleted is to be placed in *[brackets]* and printed in *italic* typeface. The bracketed material precedes the new text.

New text is printed in **bold** typeface. This material comes after the deleted text.

NOTE: Only the section(s) and subsection(s) that are being amended need to be included in the proposed amendment. However, the entire subsection including all paragraphs, subparagraphs, etc., should be included. Do not include sections or subsections that are not being amended.

NOTE: If a change occurs in a subsection, all text indented under that subsection must be included.

Example

Title 15 – ELECTED OFFICIALS
Division 30 – Secretary of State
Chapter 750 – Painless Rulemaking

PROPOSED AMENDMENT

15 CSR 30-750.003 Filing Requirements. The *[department/division]* is amending section (1), adding a new section (2), and deleting the forms which follow the rule in the *Code of State Regulations*.

PURPOSE: This amendment replaces the number of copies of proposed rulemaking required to be filed with a PDF packet.

(1) When filing any proposed rule, proposed amendment, **or** proposed rescission, *[emergency rule, emergency amendment, emergency rescission or emergency termination an original and three (3) copies]* a **complete PDF packet** will be required for filing **electronically**.

(2) When filing any **emergency rule, emergency amendment, emergency rescission, or emergency termination**, a **complete PDF packet** will be required for **electronic filing**.

PROPOSED AMENDMENT

NOTE: If forms are published with the rule, the language "included herein" must appear in the text of the rule and the form will appear before the authority section. For an example, see Proposed Rule.

NOTE: If forms are not published with the rule, the language "incorporated by reference" will be used. A Publisher's Note will be printed with the rule and the forms must be available on a permanent basis at your agency. For an example, see Proposed Rule.

NOTE: Reference material may be incorporated in the text of the rule by using the language "incorporated by reference." A current copy of this material must be on file and permanently available at your own agency. The material is not discarded when the material is updated. Additionally, for all incorporated by reference material, it is required by 536.031.4., RSMo, that the publisher, publisher's address, and the date of the publication be printed in the text of the rule. There must also be a statement which says "This rule does not incorporate any subsequent amendments or additions." A Publisher's Note will be printed with the rule.

AUTHORITY SECTION. This gives the most recent statutory citation for the authority to promulgate the rule. This section includes the history currently found in the *Code of State Regulations*, as well as the date the amendment was filed.

PUBLIC COST (requires declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

Example—continued

AUTHORITY: section 536.023, RSMo [Supp. 1998] 2016. Original rule filed March 25, 1997, effective Sept. 30, 1997. Amended: Filed Jan. 14, 2019.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

PROPOSED AMENDMENT

NOTICE TO SUBMIT COMMENTS is a statement that anyone may file a comment in support of or in opposition to the proposed amendment at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed amendment in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed amendment and the address to which the comments should be directed (536.021.2.(5), RSMo). If no hearing is to be held, a statement to that effect must be included (536.021.2.(6), RSMo).

NOTICE OF PUBLIC HEARING is a statement that gives the time and location of a hearing, if ordered.

NOTE: A hearing cannot be held less than thirty (30) days after publication of the notice of the proposed rulemaking in the *Missouri Register* (see 536.021.2.(6), RSMo).

STEP 4: PREPARING THE RULE PACKET FOR FILING

A. Prepare rule transmittal sheet

- This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and who to contact with questions. Include extension numbers.

- This section describes the type of rulemaking action and dates necessary for filing.

Example—continued

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with [agency name and address]. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

OR

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with [agency name and address]. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for [time, date, place, and address of hearing].

Secretary of State Administrative Rules RULE TRANSMITTAL
--

Administrative Rules Stamp

Rule Number _____

Use a “SEPARATE” rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content _____ Phone _____ FAX _____

Email address _____

Data Entry _____ Phone _____ FAX _____

Email address _____

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking _____ Rule _____ Amendment _____ Rescission _____ Termination _____

Effective Date for the Emergency _____

Proposed Rulemaking _____ Rule _____ Amendment _____ Rescission _____

Rule Action Notice _____ In Addition _____ Rule Under Consideration _____

Request for Non-Substantive Change _____

Statement of Actual Cost _____

Order of Rulemaking _____ Withdrawal _____ Adopt _____ Amendment _____ Rescission _____

Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text: _____

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

PROPOSED AMENDMENT

B. Prepare cover letter on agency letterhead

Form available at sos.mo.gov/adrules/forms/

Example

Address letter to the secretary of state.

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

List rule number and title (may include more than one (1) rule).

Re: *Rule Number and Title*

Dear Secretary,

CERTIFICATION OF ADMINISTRATIVE RULE

Certify that the attached are complete and accurate copies of the proposed amendment.

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by *name of your department, board, or commission*.

State that a takings analysis has occurred.

The *name of your department, board, or commission* further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

State economic impact on small businesses.

The *name of your department, board, or commission* has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to 536.300.4, RSMo.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

PROPOSED AMENDMENT

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules.

If there are any questions regarding the content of this proposed rulemaking, please contact:

Name, Address, Phone Number, Email

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

C. Prepare letter for JCAR

This letter will be similar to the letter for SOS, except addressed to the Joint Committee on Administrative Rules, State Capitol, Room 138, Jefferson City, MO 65101.

D. Prepare declaration (public cost)

Cost less than five hundred dollars (\$500) – state that the cost is less than five hundred dollars (\$500) in the aggregate to this agency, any other state agency, or political subdivision.

Requires signature of **proper** authority.
(This signature is statutorily required to be on file in the Office of the Secretary of State.)
See page 11.

Declaration (public cost)

Cost greater than five hundred dollars (\$500) – state that the cost is a reasonably accurate estimate.

Requires signature of **proper** authority.
(This signature is statutorily required to be on file in the Office of the Secretary of State.)
See page 11.

Example

DECLARATION OF PUBLIC COST

I, *[name of person with authority, name of department, board or commission]*, do declare that it is my opinion that the cost of proposed amendment *[insert rule number]*, is not more than five hundred dollars in the aggregate to this agency, any other agency of state government, or any political subdivision thereof.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the proposed amendment to *insert rule number* is a reasonably accurate estimate.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

PROPOSED AMENDMENT

E. Fiscal Notes – Public and Private

Forms available at sos.mo.gov/adrules/forms

1. Prepare a public fiscal note when public cost is greater than five hundred dollars (\$500) (536.200, RSMo).

FISCAL NOTE PUBLIC COST

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
	Summary of fiscal impact

III. WORKSHEET

Detailed estimated cost of compliance
with the proposed amendment

IV. ASSUMPTIONS

Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to make sure the numbers match.

PROPOSED AMENDMENT

2. Prepare a private fiscal note when **private cost** is greater than five hundred dollars in the aggregate (\$500) (536.205, RSMo)

FISCAL NOTE PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Summary of fiscal impact – number and type of entities affected and the associated cost of the proposed amendment		

III. WORKSHEET

Detailed estimated cost of compliance with the proposed amendment

IV. ASSUMPTIONS

Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to make sure the numbers match.

PROPOSED AMENDMENT

F. Prepare for filing any forms that have been "included herein" in the text of the rule.

G. Set aside a copy of all materials incorporated by reference to be maintained and accessible in your office for public inspection. (See section 536.031.4., RSMo)

H. Materials that are incorporated by reference must be available at your agency on a permanent basis. Please archive the materials even after a newer version is being used so that they may be used as historical data.

I. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject. Please use 11- or 12-point type for the rule text.

NOTE: If you are preparing multiple rulemakings, please prepare a separate email attachment for each rulemaking.

STEP 5: FINAL PREPARATIONS

Assemble packet for each amendment in the following order:

1. Rule Transmittal sheet;
2. Letter from governor's office;
3. Cover letter for secretary of state;
4. Letter to JCAR;
5. Declaration;
6. Amendment (with bolds and brackets);
7. Fiscal note(s) (if applicable);
8. Forms ("included herein"), if applicable; and
9. A properly formatted email attachment in Microsoft Word containing the proposed amendment.

Make one (1) PDF packet for filing.

If there is a cost to small business, the agency will need to prepare a small business impact statement, to be included in the

PDF packet. Additionally, a PDF packet will need to be emailed to the Small Business Regulatory Fairness Board at sbrfb@ded.mo.gov the same day the PDF packet is filed with JCAR.

Each amendment is submitted as a separate filing and must include all of the above.

STEP 6: FILING OF RULE

On the same day –

Make sure you have emailed an attachment to rules@sos.mo.gov prior to filing the amendment at SOS containing the text of proposed amendment formatted in Microsoft Word; and

Email PDF packet to JCAR for filing at JTCAR@senate.mo.gov. JCAR will then forward a stamped copy to Administrative Rules, Office of the Secretary of State (SOS). Administrative Rules, SOS will then date-stamp and send a copy of the stamped PDF packet back to the agency.

Note: Filings made later in the day may not receive their stamped PDF packet until the next business day.

If there is a cost to small business, email a PDF packet to sbrfb@ded.mo.gov.



1. Rule Transmittal Sheet;
2. Letter from governor's office;
3. Cover letter for secretary of state;
4. Letter for JCAR;
5. Declaration;
6. Rule;
7. Fiscal note(s) (if applicable);

PROPOSED AMENDMENT

STEP 7: STATEMENT OF ACTUAL COST (536.200.2., RSMo)

After the first full fiscal year of implementation of the amendment –

- Review the original public fiscal note or declaration if the original cost was projected to be not more than five hundred dollars (\$500).
- Determine the actual cost to all affected entities.
- If the actual public cost is greater than ten percent (10%) of the estimated cost or has exceeded five hundred dollars (\$500), a STATEMENT OF ACTUAL COST must be published. This statement must include the original estimated cost together with the actual cost as determined by the agency.
- The statement must be published as an In Addition in the *Missouri Register* within ninety (90) days after the close of the first full fiscal year. If this statement is not published, the rulemaking will be void and of no further force or effect.

Example

Title 15 – ELECTED OFFICIALS Division 30 – Secretary of State Chapter 750 – Painless Rulemaking

STATEMENT OF ACTUAL COST

15 CSR 30-750.003 Filing Requirements

The original estimated cost and fiscal note for the public cost to this rule was published in the *Missouri Register* on January 2, 2013 (38 MoReg 15–16). The cost to state agencies and political subdivisions has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2016, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was two thousand four hundred fifty-six dollars (\$2,456) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was three thousand five hundred dollars (\$3,500).

Title 15 – ELECTED OFFICIALS Division 30 – Secretary of State Chapter 750 – Painless Rulemaking

STATEMENT OF ACTUAL COST

15 CSR 30-750.007 Filing Rules in Person

The original estimated public cost published for this rulemaking in the *Missouri Register* on January 2, 2013 (38 MoReg 17) was less than five hundred dollars (\$500). The cost to state agencies and political subdivisions has exceeded five hundred dollars (\$500). Therefore, pursuant to section 536.200.2, RSMo 2016, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was less than five hundred dollars (\$500) and at the end of the first full fiscal year, the actual cost to state agencies and political subdivisions was two thousand five hundred dollars (\$2,500).

PROPOSED RESCISSION

STEP 1: PREPARING FOR A PROPOSED RESCISSION

- Determine the statutory authority
- Determine if the rescission is necessary (536.016, RSMo)
- Determine economic impact on small businesses (Executive Order 96-18, sections 536.300–536.328 and 1.310, RSMo, and 4 CSR 262-1.010 and 4 CSR 262-1.020)
- Perform a takings analysis (536.017, RSMo)
- Determine the cost associated with the rescission (536.200 and 536.205, RSMo)
- Obtain a copy of the rule as it now appears in the *Code of State Regulations* from the Internet at sos.mo.gov/adrules/agency/

STEP 2: PARTS OF A PROPOSED RESCISSION

- Header
- Rule Number and Title of the Rule
- Purpose for Rescission
- Authority
- Cost Statements
- Notice of Comment and Public Hearing
- Fiscal Note(s) (if applicable)

PROPOSED RESCISSION

STEP 3: DRAFTING A PROPOSED RESCISSION

Please use 11- or 12-point type.

Header. This is written in **bold** typeface and includes number and name of department, number and name of division, and number and name of chapter.

Type of rulemaking.

Number and title. This is written in **bold** typeface, as found in the current Code.

Write a statement to follow the title stating **in past tense** the original purpose of the rule.

Write a *PURPOSE* statement giving the reason for rescinding the rule. (This is different from the original *PURPOSE* of the rule that is found in the *Code*.) This is written in *italic* typeface.

AUTHORITY SECTION. This will include the complete history that is currently found in the *Code of State Regulations* as well as the current date of filing.

PUBLIC COST (requires declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500), a fiscal note must accompany the rulemaking.

Example

Title 15 – ELECTED OFFICIALS
Division 30 – Secretary of State
Chapter 750 – Painless Rulemaking

PROPOSED RESCISSION

15 CSR 30-750.005 Filing Rules by ATMS. This rule provided for the formatting procedure to follow when filing a rule.

PURPOSE: This rule is being rescinded as ATMS no longer exists.

AUTHORITY: section 536.023, RSMo 1984. Original rule filed July 15, 1976, effective July 25, 1976. Amended: Filed Aug. 1, 1982, effective Dec. 4, 1982. Amended: Filed Jan. 16, 1985, effective July 30, 1985. Emergency rescission filed May 14, 2008, effective May 24, 2008, expires Nov. 19, 2008. Rescinded: Filed May 14, 2019.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

PROPOSED RESCISSION

Example—continued

NOTICE TO SUBMIT COMMENTS is a statement that anyone may file a comment in support of or in opposition to the proposed rescission at a specific location and within a specific time not less than thirty (30) days following the publication of the proposed rescission in the *Missouri Register*. This statement gives the amount of time the public has to file comments regarding the proposed rescission and the address to which the comments should be directed (536.021.2.(5), RSMo). If no hearing is to be held, a statement to that effect must be included (536.021.2.(6), RSMo).

NOTICE OF PUBLIC HEARING is a statement that gives the time and location of a hearing, if ordered.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with [agency name and address]. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

OR

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with [agency name and address]. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for [time, place, and address of hearing].*

NOTE: A hearing cannot be held less than thirty (30) days after publication of the notice of proposed rulemaking in the *Missouri Register* (see 536.021.2.(6), RSMo).

PROPOSED RESCISSION

STEP 4: PREPARING THE RULE PACKET FOR FILING

A. Prepare rule transmittal sheet

Secretary of State Administrative Rules RULE TRANSMITTAL
--

Administrative Rules Stamp

Rule Number _____

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to _____ This section gives information to Administrative
Content _____ Rules staff about your rule and the people in your _____
Email address _____ agency who work with rules and who to contact _____
Data Entry _____ with questions. Please include extension numbers. _____
Email address _____

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking _____ Rule _____ Amendment _____ Rescission _____ Termination
Effective Date for the Emergency _____
 Proposed Rulemaking _____ Rule _____ Amendment _____ Rescission _____
 Rule Action Notice In Addition Rule Under Consideration
 Request for Non-Substantive Change
 Statement of Actual Cost
 Order of Rulemaking _____ Withdrawal _____ Adopt _____ A _____ Effective Date for the Order _____
 Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

This section describes the type of rulemaking
action and dates necessary for filing.

Small Business Regulatory Fairness Board (DED) Stamp
JCAR Stamp

PROPOSED RESCISSION

B. Prepare cover letter on agency letterhead

Form available at sos.mo.gov/adrules/forms/

Example

Address letter to the secretary of state.

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

List rule number and title (may include more than one (1) rule).

Re: *Rule Number and Title*

Dear Secretary,

CERTIFICATION OF ADMINISTRATIVE RULE

Certify that the attached are complete and accurate copies of the proposed rescission.

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by *name of your department, board, or commission*.

State that a takings analysis has occurred.

The *name of your department, board, or commission* further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

State economic impact on small businesses.

The *name of your department, board, or commission* has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to 536.300.4, RSMo.

State that the rulemaking complies with the provisions of sections 536.300–536.310, RSMo.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

PROPOSED RESCISSION

If there are any questions regarding the content of this proposed rulemaking, please contact:

Name, Address, Phone Number, Email

Authorized signature of the department director, or his/her designee, which is on file in the Office of the Secretary of State, Administrative Rules.

*Signature of proper authority
Name and title of proper authority
Name of department, board, or commission*

C. Prepare letter for JCAR

This letter will be similar to the letter for SOS, except addressed to the Joint Committee on Administrative Rules, State Capitol, Room 138, Jefferson City, MO 65101.

D. Prepare declaration (public cost)

Cost less than five hundred dollars (\$500) – state that the cost is less than five hundred dollars (\$500) in the aggregate to this agency, any other state agency or political subdivision.

Example

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the cost of proposed rescission *insert rule number*, is less than five hundred dollars in the aggregate to this agency, any other agency of state government, or any political subdivision thereof.

Requires signature of **proper** authority.
(This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 11.

*Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission*

Declaration (public cost)

Cost greater than five hundred dollars (\$500) – state that the cost is a reasonably accurate estimate.

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the proposed rescission to *insert rule number* is a reasonably accurate estimate.

Requires signature of **proper** authority.
(This signature is statutorily required to be on file in the Office of the Secretary of State.) See page 11.

*Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission*

PROPOSED RESCISSION

E. Fiscal Notes – Public and Private

Forms available at sos.mo.gov/adrules/forms

1. Prepare a public fiscal note when **public cost** is greater than five hundred dollars (\$500) (section 536.200, RSMo).

FISCAL NOTE PUBLIC COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
	Summary of fiscal impact

III. WORKSHEET

Detailed estimated cost of compliance with the proposed rescission

IV. ASSUMPTIONS

Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to make sure the numbers match.

PROPOSED RESCISSION

2. Prepare a private fiscal note when **private cost** is greater than five hundred dollars (\$500) in the aggregate (section 536.205, RSMo)

FISCAL NOTE PRIVATE COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Summary of fiscal impact – number and type of entities affected and the associated cost of the proposed rescission		

III. WORKSHEET

Detailed estimated cost of compliance with the proposed rescission

IV. ASSUMPTIONS

Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to make sure the numbers match.

PROPOSED RESCISSION

F. Prepare Word version of rulemaking
and send it as an email attachment
to rules@sos.mo.gov; be sure to put
Rulemaking at the beginning of the subject.
Please use 11- or 12-point type and print on
only one (1) side of the paper for the rule
text.

NOTE: If you are preparing multiple
rulemakings, please prepare a separate
email attachment for each rulemaking.

STEP 5: FINAL PREPARATIONS

Assemble packet for each rescission in the
following order:

1. Rule transmittal sheet;
2. Letter from the governor's office;
3. Cover letter for secretary of state;
4. Letter to JCAR;
5. Declaration;
6. Rescission;
7. Fiscal note(s) (if applicable); and
8. Prepare email attachment formatted in
Microsoft Word containing the text of the
proposed rescission.

Make one (1) PDF packet for filing.

If there is a cost to small business, the
agency will need to prepare a small business
impact statement, to be included in the
PDF packet. Additionally, a PDF packet will
need to be emailed to the Small Business
Regulatory Fairness Board at sbrfb@ded.mo.gov the same day the PDF packet is filed
with JCAR.

Each rule is submitted as a separate filing
and must include all of the above.

STEP 6: FILING OF RULE

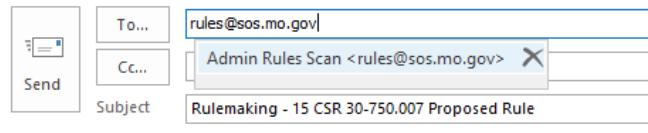
On the same day –

Make sure you have emailed an attachment
to rules@sos.mo.gov **prior** to filing the
rescission at SOS formatted in Microsoft
Word, containing the proposed rescission;
and

Email PDF packet to JCAR for filing at
JTCAR@senate.mo.gov. JCAR will then
forward a stamped copy to Administrative
Rules, Office of the Secretary of State (SOS).
Administrative Rules, SOS will then date-
stamp and send a copy of the stamped PDF
packet back to the agency.

Note: Filings made later in the day may not
receive their stamped PDF packet until the
next business day.

If there is a cost to small business, email a
PDF packet to sbrfb@ded.mo.gov.



1. Rule Transmittal Sheet;
2. Letter from governor's office;
3. Cover letter for secretary of state;
4. Letter for JCAR;
5. Declaration;
6. Rule;
7. Fiscal note(s) (if applicable);
8. Forms ("included herein"); and
9. A properly formatted email attachment in Microsoft Word

ORDERS OF RULEMAKING

A final order of rulemaking is the last step to getting a proposed rulemaking into the *Code of State Regulations* and thus getting the proposed rulemaking effective. After a final order of rulemaking is filed with Administrative Rules, it is published in the *Missouri Register*, then, at the end of the same month in which it was published in the *Missouri Register*, it is published in the *Code of State Regulations*. Unless a different effective date is selected, the rulemaking becomes effective thirty (30) days *after* its publication in the *Code*.

In this section the user will be shown how to work through the six (6) basic types of final orders of rulemaking.

The six (6) basic types of final orders of rulemaking are –

- Final order of rulemaking for a proposed rule with no changes;
- Final order of rulemaking for a proposed rule with changes;
- Final order of rulemaking for a proposed amendment with no changes;
- Final order of rulemaking for a proposed amendment with changes;
- Final order of rulemaking for a proposed rescission; and
- Final order of rulemaking for a withdrawal.

There is one (1) other type of final order of rulemaking that is used by only a few state agencies in a few specific instances. These orders of rulemaking deal with orders of rulemaking that *do not* require a proposed rulemaking to go through the normal rulemaking procedure. This exception is defined in 536.021.1., RSMo. As this type of rulemaking only affects a few agencies and a select few of their rules, this type of order is not covered in the rulemaking manual. Agencies that need assistance on this type of order may contact Administrative Rules staff directly.

FINAL ORDER FOR A PROPOSED RULE —NO CHANGES

Contents of the final order of rulemaking.

STEP 1. Header, centered, contains the –

Title number – NAME OF DEPARTMENT
Division number – Name of Division
Chapter number – Name of Chapter

Example

Title 15 – ELECTED OFFICIALS
Division 30 – Secretary of State
Chapter 750 – Painless Rulemaking

STEP 2. Type of rulemaking, centered

STEP 3.

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed rule

STEP 4.

- Rule number and action taken in **bold** typeface; rule title in non-bold font.

STEP 5. Explanation of –

- The proposed rule publication date in the *Missouri Register* and page number where located.
- No changes to the text of the proposed rule.
- When the proposed rule becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after that update of the *Code* is published, the rulemaking becomes effective. If you would like an effective date that is later than thirty (30) days after publication, change the last line to read as noted here.

ORDER OF RULEMAKING

By the authority vested in the *[your division name]* under section *[your statute for rulemaking authority]*, RSMo 2022, the *[your division name]* adopts a rule as follows:

15 CSR 30-750.007 Filing Rules in Person is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2019 (44 MoReg 177-179). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

OR

This proposed rule becomes effective *[date]*

FINAL ORDER FOR A PROPOSED RULE —NO CHANGES

STEP 6. SUMMARY OF COMMENTS AND RESPONSES

- **If comments were received** concerning the proposed rulemaking, write a brief statement summarizing the comments.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.

- **Individual comments** are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.
- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.
- If there is more than one (1) comment, please number the comments. For example: COMMENT #2.

OR

- **If no comments were received** concerning the proposed rulemaking, a brief statement is made to that effect.

Example

SUMMARY OF COMMENTS: The *[your division]* received one (1) comment on the proposed rule.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held *[date of hearing]*, and the public comment period ended *[date]*. At the public hearing *[your division]* explained the proposed rule and one (1) comment was made.

FOLLOWED BY

COMMENT: John Q. Hathaway, with the Division of Paper Only, requested that we go back to paper filings and avoid filing electronically.

RESPONSE: At this time our office does not plan to go back to paper filings. No changes have been made to the rule as a result of this comment.

OR

SUMMARY OF COMMENTS: No comments were received.

FINAL ORDER FOR A PROPOSED RULE —NO CHANGES

STEP 7. PAPERWORK NEEDED TO FILE A FINAL ORDER AND WHAT YOU DO WITH IT —

1. Fill out the rule transmittal sheet.

Secretary of State Administrative Rules RULE TRANSMITTAL
--

Administrative Rules Stamp

Rule Number _____

Use a “SEPARATE” rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content _____

Email address _____

Data Entry _____

Email address _____

This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions. Please include extension numbers.

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking Rule Amendment Rescission Termination
Effective Date for the Emergen

Proposed Rulemaking Rule This section describes the type of rulemaking action.

Rule Action Notice In Add _____

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking Withdrawal Adopt Amendment Rescission
Effective Date for the Order _____

If you have a specific effective date for your rule,
insert that date here.

the rule text? NO
ES, including any deleted rule text:

NOTE: This specific effective date must be later than
the statutory thirty- (30-) day requirement.

Small Business Regulatory Fairness Board (DED) Stamp

JCAR Stamp

NOTE: For final orders please make sure that all parts of the rule transmittal sheet are filled out that ask specific questions concerning the rulemaking. For a final order with no changes simply mark the “No” box.

FINAL ORDER FOR A PROPOSED RULE —NO CHANGES

2. Prepare letter for JCAR.

3. Certification letter or cover letter on agency letterhead—This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. Someone listed on the delegation of authority must sign the letter.

This letter will be similar to the letter for SOS, except addressed to the Joint Committee on Administrative Rules, State Capitol, Room 138, Jefferson City, MO 65101.

Address one (1) original letter to the secretary of state

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, MO 65101
rules@sos.mo.gov

Dear Secretary,

List rule number and title

Re: *Rule Number and Title*

Certify that the attached are complete and accurate copies of the final order of rulemaking

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board, or commission*.

Statutory Authority: *section(s) your agency's statute(s) for rulemaking*.

If there are any questions regarding the content of this order of rulemaking, please contact:

Name
Address
Phone Number
Email

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules Division

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

4. Order of rulemaking.

FINAL ORDER FOR A PROPOSED RULE —NO CHANGES

Now that you have the paperwork –

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare a Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. If there was a cost to small business that resulted in the agency preparing a small business impact statement, a PDF packet must be emailed to the Small Business Regulatory Fairness Board at SBRFB@ded.mo.gov on the same day you file the PDF packet with JCAR.
4. JCAR will send stamped PDF packet back to your agency.
5. ***Wait for thirty (30) days***, then email JCAR stamped PDF packet to rules@sos.mo.gov.
6. Now you can relax and wait for the rulemaking to become effective.

FINAL ORDER FOR A PROPOSED RULE —WITH CHANGES

Contents of the final order of rulemaking.

Example

STEP 1. Header, centered, contains the –

Title number – NAME OF DEPARTMENT
Division number – Name of Division
Chapter number – Name of Chapter

Title 15 – ELECTED OFFICIALS
Division 30 – Secretary of State
Chapter 750 – Painless Rulemaking

STEP 2. Type of rulemaking, centered

ORDER OF RULEMAKING

STEP 3.

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed rule

By the authority vested in the *your division name* under section *your statute for rulemaking authority*, RSMo 2022, the *your division name* adopts a rule as follows:

15 CSR 30-750.001 is adopted.

STEP 4.

- Rule number and action taken in regular typeface.

STEP 5. Explanation of –

- The proposed rule publication date in the *Missouri Register* and page number where located.
- Statement that there are changes to the proposed rule.
- When the proposed rule becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after that update of the *Code* is published, the rulemaking becomes effective. If you would like an effective date that is later than thirty (30) days after publication, change the last line to read as noted here.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2019 (44 MoReg 175–176). Those sections with changes are re-printed here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

OR

This proposed rule becomes effective [date].

FINAL ORDER FOR A PROPOSED RULE —WITH CHANGES

STEP 6. SUMMARY OF COMMENTS, RESPONSES, AND EXPLANATION OF CHANGE

- **When comments are received**

concerning the proposed rulemaking, include a brief statement summarizing the comments.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.
- Individual comments are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.
- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.
- If there is more than one (1) comment, please number the comments. For example: COMMENT #2.
- When a comment results in a change, a **response and explanation of change** should follow the comment explaining the change that will be made.

Example

SUMMARY OF COMMENTS: The *your division* received four (4) comments on the proposed rule.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held *[date of hearing]*, and the public comment period ended *[date]*. At the public hearing, *[your division]* explained the new rule and four (4) comments were made.

FOLLOWED BY

COMMENT #1: John Q. Hathaway, with the Division of Paper Only; Louise Marise, with Logic of Paper; Tom Lincoln, Ancestors Anonymous; and Jay Jeffs, Local Lobby, all requested that we go back to paper filings and avoid filing electronically.

RESPONSE: At this time our office does not plan to go back to paper filings. No changes have been made to the rule as a result of this comment.

COMMENT #2: Louise Marise, with the Division of Logic, noted that sections (7) and (8) cross-reference each other without giving us a true definition of rule or regulation.

RESPONSE AND EXPLANATION OF CHANGE: Section (8) will be changed to give a definition of rule. Section (7) will be left as is because there is no difference between a rule and regulation.

COMMENT #3: James Johnson, with the Coalition of the Month Club, requested that the publication date be redefined as the day that a subscriber finds the publication online.

RESPONSE AND EXPLANATION OF CHANGE: The publication date must remain as is. However, in order to make the publication dates clearer, language will be added to section (6) stating that future publication dates will be published online.

• • •

FINAL ORDER FOR A PROPOSED RULE —WITH CHANGES

STEP 7. THOSE SECTIONS WITH CHANGES ARE PRINTED NOW

- The title of the rule in **bold** typeface.
- Include each section or subsection that has been changed since the proposed rule was published in the *Missouri Register*. This is written just as it will appear in the *Code without* bold typeface or brackets to show the changes.

NOTE: All text indented under the subsection must be submitted with your order.

ADDITIONAL NOTE: Normally, definitions in rules are done in alphabetical order.

STEP 8. REVISED FISCAL NOTE. If there was a fiscal note with the proposed rulemaking and changes are necessary, the statement and fiscal note appear at the end of the final order of rulemaking.

Example

15 CSR 30-750.001 Definitions Covering Both Painless and Painful Rulemaking

(6) Publication date – the date on which the *Missouri Register* or *Code of State Regulations* is published. These dates may be found on the Internet at sos.mo.gov/adrules/pubsched.

(8) Rule – as defined in section 536.010(4), RSMo – is each agency statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency. This includes amendments or rescissions of existing rules. There are several exemptions to this definition and they are spelled out in section 536.010(6), RSMo.

REVISED PUBLIC COST: The cost to the department may range from zero to seven hundred forty-nine dollars (\$0–\$749) versus the less than five hundred dollars (\$500), which was submitted in the original estimate.

FINAL ORDER FOR A PROPOSED RULE —WITH CHANGES

STEP 9. PAPERWORK NEEDED TO FILE A FINAL ORDER AND WHAT YOU DO WITH IT —

1. Fill out the rule transmittal sheet.

Secretary of State
Administrative Rules
RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number _____

Use a “SEPARATE” rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content _____

Email address _____

Data Entry _____

Email address _____

This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions. Please include extension numbers.

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking Rule Amendment Rescission Termination
Effective Date for the Emergen

Proposed Rulemaking Rule This section describes the type of rulemaking action
 Rule Action Notice In Add Note the sections/subsections that have changes..

Request for Non-Substantive C

Statement of Actual Cost

Order of Rulemaking Withdrawal Adopt Amendment Rescission
Effective Date for the Order _____

If you have a specific effective date for your rule, _____
insert that date here.

the rule text? NO

ES, including any deleted rule text: _____

NOTE: This specific effective date must be later than _____
the statutory thirty- (30-) day requirement.

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

For final orders, please make sure that all parts of
the transmittal sheet are filled out. This section asks
specific questions concerning the rulemaking. If
more space is needed, attach a separate sheet.

FINAL ORDER FOR A PROPOSED RULE —WITH CHANGES

2. Prepare letter for JCAR

3. Certification letter or cover letter on agency letterhead—This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. Someone listed on the delegation of authority must sign the letter.

Address one (1) original letter to the secretary of state

This letter will be similar to the letter for SOS, except addressed to the Joint Committee on Administrative Rules, State Capitol, Room 138, Jefferson City, MO 65101.

Example

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, MO 65101
rules@sos.mo.gov

Dear Secretary,

List rule number and title

Re: *Rule Number and Title*

CERTIFICATION OF ADMINISTRATIVE RULE

Certify that the attached are complete and accurate copies of the final order of rulemaking

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board, or commission*.

Statutory Authority: *section(s) your agency's statute(s) for rulemaking*.

If there are any questions regarding the content of this order of rulemaking, please contact:

Name
Address
Phone Number
Email

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

FINAL ORDER FOR A PROPOSED RULE —WITH CHANGES

4. Order of rulemaking

5. If you have a revised public fiscal note, you must also have a declaration signed by the person with rulemaking authority. Signature must be on file in the Office of the Secretary of State.

NOTE: If you have a revised private fiscal note, no declaration is required.

Example

DECLARATION OF PUBLIC COST

I, *[name of person with authority, name of department, board or commission]*, do declare that it is my opinion that the attached fiscal note for the order of rulemaking to **[rule number]** is a reasonably accurate estimate.

Signature of person with authority

Name of proper authority

Title of proper authority

Name of department, board or commission

The revised fiscal note.

FINAL ORDER FOR A PROPOSED RULE —WITH CHANGES

Now that you have the paperwork—

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. If there was a cost to small business that resulted in the agency preparing a small business impact statement, a PDF packet must be emailed to the Small Business Regulatory Fairness Board at sbrfb@ded.mo.gov on the same day you file the PDF packet with JCAR.
4. JCAR will send stamped PDF packet back to your agency.
5. ***Wait for thirty (30) days***, then email JCAR stamped PDF packet to rules@sos.mo.gov.
6. Now you can relax and wait for the rulemaking to become effective.

FINAL ORDER FOR A PROPOSED AMENDMENT—NO CHANGES

Contents of the final order of rulemaking.

Example

STEP 1. Header, centered, contains the –

Title number – NAME OF DEPARTMENT
Division number – Name of Division
Chapter number – Name of Chapter

Title 15 – ELECTED OFFICIALS
Division 30 – Secretary of State
Chapter 750 – Painless Rulemaking

STEP 2. Type of rulemaking, centered

STEP 3.

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed amendment.

STEP 4.

- Rule number and action taken in **bold** typeface; rule title in non-bold font.

STEP 5. Explanation of –

- The publication date of the proposed amendment in the *Missouri Register* and page number where located.
- No changes to the text of the proposed amendment.
- When the proposed amendment becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after that update of the *Code* is published, the rulemaking becomes effective. If you would like an effective date that is later than thirty (30) days after publication, change the last line to read as noted here.

By the authority vested in the *your division name* under section *your statute for rulemaking authority*, RSMo 2022, **[your division name]** amends a rule as follows:

15 CSR 30-750.003 Filing Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2019 (44 MoReg 176). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

OR

The proposed amendment becomes effective **[date]**.

FINAL ORDER FOR A PROPOSED AMENDMENT—NO CHANGES

STEP 6. SUMMARY OF COMMENTS AND RESPONSES

- If comments are received concerning the proposed rulemaking, include a brief statement summarizing the comments.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.

Example

SUMMARY OF COMMENTS: The *your division* received two (2) comments on the proposed amendment.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held *[date of hearing]*, and the public comment period ended *[date]*. At the public hearing, *[your division]* explained the proposed amendment and two (2) comments were made.

FOLLOWED BY

- Individual comments are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.
- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.
- If there is more than one (1) comment, please number the comments. For Example: COMMENT #2.

COMMENT #1: John J. Johnson, with the Division of Unplanned Emergencies, requested that we make emergency rules effective for one (1) full year.

RESPONSE: This request is outside of the purview of the amendment change and therefore cannot be addressed at this point. Additionally, the length of emergency rules is set by statute and, therefore, beyond our control. No changes have been made to the rule as a result of this comment.

COMMENT #2: Mary Agnes, with the Coalition for Kill the Trees & Paper Only League, requested that we immediately stop accepting all electronic filings on all rulemakings and only file paper in person.

RESPONSE: Currently all filing is being done electronically. We have no wish to go back in time. No changes have been made to the rule as a result of this comment.

OR

- If no comments were received concerning the proposed rulemaking, a brief statement is made to that effect.

OR

SUMMARY OF COMMENTS: No comments were received.

FINAL ORDER FOR A PROPOSED AMENDMENT—NO CHANGES

STEP 7. PAPERWORK NEEDED TO FILE A FINAL ORDER AND WHAT YOU DO WITH IT —

1. Fill out the rule transmittal sheet.

Secretary of State
Administrative Rules
RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number _____

Use a “SEPARATE” rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content _____

Email address _____

Data Entry _____

Email address _____

This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions. Please include extension numbers.

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking Rule Amendment Rescission Termination
Effective Date for the Emergen

Proposed Rulemaking Rule This section describes the type of rulemaking action.

Rule Action Notice In Addi _____

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking Withdrawal Adopt Amendment Rescission
Effective Date for the Order _____

If you have a specific effective date for your rule, _____
insert that date here.

the rule text? NO

ES, including any deleted rule text: _____

NOTE: This specific effective date must be later than _____
the statutory thirty- (30-) day requirement.

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

NOTE: For final orders please make sure that all parts of the rule transmittal sheet are filled out that ask specific questions concerning the rulemaking. For a final order with no changes simply mark the “No” box.

FINAL ORDER FOR A PROPOSED AMENDMENT—NO CHANGES

2. Prepare letter for JCAR

3. Certification letter or cover letter on agency letterhead—This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. Someone listed on the delegation of authority must sign the letter.

Address one (1) original letter to the secretary of state

List rule number and title

Certify that the attached are complete and accurate copies of the final order of rulemaking

Authorized signature of the department director or his/her designee, which is on file in the Office of the Secretary of State, Administrative Rules

This letter will be similar to the letter for SOS, except addressed to the Joint Committee on Administrative Rules, State Capitol, Room 138, Jefferson City, MO 65101.

Example

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, MO 65101
rules@sos.mo.gov

Dear Secretary,

Re: *Rule Number and Title*

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board, or commission*.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

If there are any questions regarding the content of this order of rulemaking, please contact:

Name
Address
Phone Number
Email

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

4. Order of rulemaking.

FINAL ORDER FOR A PROPOSED AMENDMENT—NO CHANGES

Now that you have the paperwork –

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. If there was a cost to small business that resulted in the agency preparing a small business impact statement, a PDF packet must be emailed to the Small Business Regulatory Fairness Board at sbrfb@ded.mo.gov on the same day you file the PDF packet with JCAR.
4. JCAR will send stamped PDF packet back to your agency.
5. ***Wait for thirty (30) days***, then email JCAR stamped PDF packet to rules@sos.mo.gov.
6. Now you can relax and wait for the rulemaking to become effective.

FINAL ORDER FOR A PROPOSED AMENDMENT—WITH CHANGES

Contents of the final order of rulemaking.

Example

STEP 1. Header, centered, contains the –

Title number – NAME OF DEPARTMENT
Division number – Name of Division
Chapter number – Name of Chapter

Title 15 – ELECTED OFFICIALS
Division 30 – Secretary of State
Chapter 750 – Painless Rulemaking

STEP 2. Type of rulemaking, centered

ORDER OF RULEMAKING

STEP 3.

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed amendment

By the authority vested in the *your division name* under section *your statute for rulemaking authority*, RSMo [current statute date], the *your division name* amends a rule as follows:

STEP 4.

- Rule number and actions taken in regular typeface.

STEP 5. Explanation of –

- The proposed amendment publication date in the *Missouri Register* and page number where located.
- Statement that there are changes to the proposed amendment.
- When the proposed amendment becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after the update of the *Code* is published, the rulemaking becomes effective. If you would like an effective date that is later than thirty (30) days after publication, change the last line to read as noted here.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2019 (44 MoReg 176–177). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

OR

This proposed amendment becomes effective [insert effective date].

FINAL ORDER FOR A PROPOSED AMENDMENT—WITH CHANGES

STEP 6. SUMMARY OF COMMENTS, RESPONSES, AND EXPLANATION OF CHANGE.

- **When comments are received** concerning the proposed rulemaking, a brief statement summarizing the comments should be provided.
- OR
- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.
- Individual comments are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.
- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.
- If there is more than one (1) comment, please number the comments. For example: COMMENT #2.
- When a comment results in a change, a **response and explanation of change** should follow the comment explaining the change that will be made.

Example

SUMMARY OF COMMENTS: The *your division* received three (3) comments on the proposed amendment.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held *[hearing date]*, and the public comment period ended *[end date]*. At the public hearing, the *[your division]* explained the proposed amendment and three (3) comments were made.

FOLLOWED BY

COMMENT #1: James Johnson, with the Coalition of the Month Club, requested that the effective date be made forty-five (45) days after publication in the *Code* rather than thirty (30) days after publication.

RESPONSE: The effective date is set by statute and cannot be changed without changes to the statutes.

COMMENT #2: Louise Marise, with the Division of Logic, noted that section (3) does not state that agencies can put the effective date to be later than thirty (30) days after publication if they so desire. She believes that this should be spelled out in the rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (3) will be changed to add that an agency may make the effective date later than thirty (30) days after publication, if they so choose.

COMMENT #3: James Johnson questioned the need for new section (5).

RESPONSE AND EXPLANATION OF CHANGE: The staff concurs and has deleted section (5) from the rule.

FINAL ORDER FOR A PROPOSED AMENDMENT—WITH CHANGES

STEP 7. THOSE SECTIONS WITH CHANGES ARE PRINTED NOW

- Print rule number and title in **bold** typeface.
- Include each section or subsection that has been changed since the proposed amendment was published in the *Missouri Register*. This is written just as it will appear in the *Code* without **bold** typeface or brackets to show the changes.

NOTE: All text indicated under the subsection must be submitted with your order.

STEP 8. REVISED FISCAL NOTE. If there was a fiscal note with the proposed rulemaking and changes are necessary, the statement and fiscal note appear at the end of the final order of rulemaking.

Example

15 CSR 30-750.004 Effective Date of Rulemaking

(3) A final order of rulemaking will be effective thirty (30) days after it is published in the *Code of State Regulations*. An agency may choose to make the rulemaking effective at a date later than thirty (30) days after publication in the *Code of State Regulations*.

REVISED PUBLIC COST: The cost to the department may range from zero to eight hundred fifty dollars (\$0–\$850) versus the less than five hundred dollars (\$500), which was submitted with the original proposal.

FINAL ORDER FOR A PROPOSED AMENDMENT—WITH CHANGES

STEP 9. PAPERWORK NEEDED TO FILE A FINAL ORDER AND WHAT YOU DO WITH IT —

1. Fill out the rule transmittal sheet.

Secretary of State
Administrative Rules
RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number _____

Use a “SEPARATE” rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content _____

Email address _____

Data Entry _____

Email address _____

Interagency mailing address _____

This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions. Please include extension numbers.

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking Rule Amendment Rescission Termination
Effective Date for the Emergen

Proposed Rulemaking Rule This section describes the type of rulemaking action.

Rule Action Notice In Add Note the sections/subsections that have changes.

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking Withdrawal Adopt Amendment Rescission
Effective Date for the Order _____

If you have a specific effective date for your rule, _____
insert that date here.

the rule text? NO

ES, including any deleted rule text: _____

NOTE: This specific effective date must be later than _____
the statutory thirty- (30-) day requirement.

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

For final orders, please make sure that all parts of the transmittal sheet are filled out. This section asks specific questions concerning the rulemaking. If more space is needed, attach a separate sheet.

FINAL ORDER FOR A PROPOSED AMENDMENT—WITH CHANGES

2. Prepare letter for JCAR

This letter will be similar to the letter for SOS, except addressed to the Joint Committee on Administrative Rules, State Capitol, Room 138, Jefferson City, MO 65101.

3. Certification letter or cover letter on agency letterhead

—This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. Someone listed on the delegation of authority must sign this letter.

Example

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, MO 65101
rules@sos.mo.gov

Address one (1) original letter to the secretary of state

Dear Secretary,

List rule number and title

Re: *Rule Number and Title*

CERTIFICATION OF ADMINISTRATIVE RULE

Certify that the attached are complete and accurate copies of the final order of rulemaking

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board, or commission*.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

If there are any questions regarding the content of this order of rulemaking, please contact:

*Name
Address
Phone Number
Email*

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules

*Signature of proper authority
Name and title of proper authority
Name of department, board, or commission*

FINAL ORDER FOR A PROPOSED AMENDMENT—WITH CHANGES

4. Order of rulemaking.

Example

5. If you have a revised public fiscal note, you must also have a declaration signed by the person to whom rulemaking authority has been delegated. Signature must be on file in the Office of the Secretary of State.

NOTE: If you have a revised **private** fiscal note, no declaration is required.

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the order of rulemaking to *insert rule number* is a reasonably accurate estimate.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

The revised fiscal note.

FINAL ORDER FOR A PROPOSED AMENDMENT—WITH CHANGES

Now that you have the paperwork—

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. If there was a cost to small business that resulted in the agency preparing a small business impact statement, a PDF packet must be emailed to the Small Business Regulatory Fairness Board at sbrfb@ded.mo.gov on the same day you file the PDF packet with JCAR.
4. JCAR will send stamped PDF packet back to your agency.
5. ***Wait for thirty (30) days***, then email JCAR stamped PDF packet to rules@sos.mo.gov.
6. Now you can relax and wait for the rulemaking to become effective.

FINAL ORDER FOR A PROPOSED RESCISSION

Contents of the final order of rulemaking.

Example

STEP 1. Header, centered, contains the –

Title number – NAME OF DEPARTMENT
Division number – Name of Division
Chapter number – Name of Chapter

STEP 2. Type of rulemaking, centered

STEP 3.

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed rescission.

STEP 4.

- Rule number and action taken in **bold** typeface; rule title in non-bold font.

STEP 5. Explanation of –

- The publication date of the proposed rescission in the *Missouri Register* and page number where found.
- No changes to the proposed rescission.
- When the proposed rescission becomes effective. After an order is published in the *Register*, it is published in the *Code of State Regulations* at the end of the same month. Thirty (30) days after the update of the *Code* is published, the rescission becomes effective. If you would like an effective date that is later than thirty (30) days after publication, change the last line to read as noted here.

Title 15 – ELECTED OFFICIALS
Division 30 – Secretary of State
Chapter 750 – Painless Rulemaking

ORDER OF RULEMAKING

By the authority vested in the *your division name* under section *your statute for rulemaking authority*, RSMo [current statute date], the *your division name* rescinds a rule as follows:

15 CSR 30-750.005 Filing Rules by ATMS is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 15, 2019 (44 MoReg 177). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

OR

This proposed rescission becomes effective [insert effective date].

FINAL ORDER FOR A PROPOSED RESCISSION

STEP 6. SUMMARY OF COMMENTS AND RESPONSES

- **If comments are received** concerning the proposed rulemaking, write a brief statement summarizing the comments.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony.
- Individual comments are printed with a **response** to the comment. Similar comments may be summarized in one (1) comment.
- When responding to a comment, refer the reader to the appropriate citation rather than including quoted statutes or quoted sections of the rule.
- If there is more than one (1) comment, please number the comments. For example: COMMENT #2.

- **If no comments were received** concerning the proposed rulemaking, a brief statement is made to that effect.

Example

SUMMARY OF COMMENTS: The *your division* received two (2) comments on the proposed rescission.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held *[hearing date]*, and the public comment period ended *[end date]*. At the public hearing, *[your division]* explained the proposed rescission and two (2) comments were made.

RESPONSE: As a result, the secretary has decided to withdraw this rule.

FOLLOWED BY

COMMENT #1: John J. Johnson, with the Division of Unplanned Emergencies, stated that it was about time this rule was rescinded.

RESPONSE: We agree.

COMMENT #2: Mary Agnes, with the Coalition for Saving the Trees From Becoming Paper League, asked if there was any way to bring ATMS back.

RESPONSE: ATMS is an antiquated system that will never come back. No changes have been made to the rescission as a result of these comments.

OR

SUMMARY OF COMMENTS: No comments were received.

FINAL ORDER FOR A PROPOSED RESCISSION

STEP 7. PAPERWORK NEEDED TO FILE A FINAL ORDER AND WHAT YOU DO WITH IT –

1. Fill out the rule transmittal sheet.

Secretary of State
Administrative Rules
RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number _____

Use a “SEPARATE” rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content _____

Email address _____

Data Entry _____

Email address _____

This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions. Please include extension numbers.

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking Rule Amendment Rescission Termination
Effective Date for the Emergen

Proposed Rulemaking Rule This section describes the type of rulemaking action.
 Rule Action Notice In Addi _____

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking Withdrawal Adopt Amendment Rescission
Effective Date for the Order _____

If you have a specific effective date for your rule, insert that date here.

the rule text? NO

ES, including any deleted rule text: _____

NOTE: This specific effective date must be later than the statutory thirty- (30-) day requirement.

Small Business Regulatory Fairness Board (DED) Stamp

JCAR Stamp

For final orders, please make sure that all parts of the transmittal sheet are filled out. This section asks specific questions concerning the rulemaking. For a final order with no changes simply check the “NO” box.

FINAL ORDER FOR A PROPOSED RESCISSION

2. Prepare letter for JCAR

This letter will be similar to the letter for SOS, except addressed to the Joint Committee on Administrative Rules, State Capitol, Room 138, Jefferson City, MO 65101.

3. Certification letter or cover letter on agency letterhead – This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. Someone listed on the delegation of authority must sign this letter.

Address one (1) original letter to the secretary of state

List rule number and title

Certify that the attached are complete and accurate copies of the final order of rulemaking

Example

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, MO 65101
rules@sos.mo.gov

Dear Secretary,

Re: *Rule Number and Title*

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board, or commission*.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

If there are any questions regarding the content of this order of rulemaking, please contact:

*Name
Address
Phone Number
Email*

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules

*Signature of proper authority
Name and title of proper authority
Name of department, board, or commission*

4. Order of rulemaking.

FINAL ORDER FOR A PROPOSED RESCISSION

Now that you have the paperwork –

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. If there was a cost to small business that resulted in the agency preparing a small business impact statement, a PDF packet must be emailed to the Small Business Regulatory Fairness Board at sbrfb@ded.mo.gov on the same day you file the PDF packet with JCAR.
4. JCAR will send stamped PDF packet back to your agency.
5. ***Wait for thirty (30) days***, then email JCAR stamped PDF packet to rules@sos.mo.gov.
6. Now you can relax and wait for the rulemaking to become effective.

FINAL ORDER FOR A WITHDRAWAL

Contents of the final order of rulemaking.

Example

STEP 1. Header, centered, contains the –

Title number – NAME OF DEPARTMENT
Division number – Name of Division
Chapter number – Name of Chapter

Title 15 – ELECTED OFFICIALS
Division 30 – Secretary of State
Chapter 750 – Painless Rulemaking

STEP 2. Type of rulemaking, centered

ORDER OF RULEMAKING

STEP 3.

- Statement to whom authority is given
- Statutory cite of authority
- Statement of action taken on the proposed rulemaking

By the authority vested in the *[your division]* under section *[statute for rulemaking authority]*, RSMo *[current statute date]*, the *[your division]* withdraws a proposed rule as follows:

STEP 4.

- Rule number and action taken in **bold** typeface

15 CSR 30-750.020 Limit on Rules Filed is withdrawn.

STEP 5. Explanation of –

- The publication date of the proposed rulemaking in the *Missouri Register* and page number where located.
- Statement that the rulemaking is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2019 (44 MoReg 180). This proposed rule is withdrawn.

FINAL ORDER FOR A WITHDRAWAL

STEP 6. SUMMARY OF COMMENTS AND RESPONSES

- For a withdrawal, a general summary of comments can be given without listing all of the individual comments separately. In the summary of comments, the agency needs to explain why they are withdrawing the rulemaking. After the SUMMARY OF COMMENTS, there should be a RESPONSE stating that the department/division is withdrawing the rulemaking.

OR

- If a hearing was held, the state agency must give a concise summary of the testimony and the state agency's findings with respect to the merit of any such testimony. They would then need to explain why they are withdrawing the rulemaking. After the SUMMARY OF COMMENTS, there should be a RESPONSE stating that the department/division is withdrawing the rulemaking.

Example

SUMMARY OF COMMENTS: The *your division* received numerous comments on this proposed rule. Most of the comments were against the rule. The comments emphasized that an agency might have to promulgate several rules at the same time due to circumstances beyond their control and that it would be unfair to the agencies to implement this rule.

RESPONSE: As a result, the secretary is withdrawing this rulemaking.

OR

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held *[hearing date]*, and the public comment period ended *[end date]*. At the public hearing, *[your division]* explained the proposed rulemaking and twenty-four (24) comments were made. Most of the comments were against the rule. The comments emphasized that an agency might have to promulgate several rules at the same time due to circumstances beyond their control and that it would be unfair to the agencies to implement this rule.

RESPONSE: As a result, the secretary is withdrawing this rulemaking.

FINAL ORDER FOR A WITHDRAWAL

STEP 7. PAPERWORK NEEDED TO FILE A FINAL ORDER AND WHAT YOU DO WITH IT –

1. Fill out the rule transmittal sheet.

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
--	----------------------------

Rule Number _____

Use a “SEPARATE” rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content _____

Email address _____

Data Entry _____

Email address _____

This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions. Please include extension numbers.

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking _____ Rule _____ Amendment _____ Rescission _____ Termination
Effective Date for the Emergen _____

Proposed Rulemaking _____ Rule _____ This section describes the type of rulemaking action.

Rule Action Notice _____ In Add _____

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking _____ Withdrawal _____ Adopt _____ Amendment _____ Rescission
Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory Fairness Board (DED) Stamp
--

JCAR Stamp

FINAL ORDER FOR A WITHDRAWAL

2. Prepare letter for JCAR

This letter will be similar to the letter for SOS, except addressed to the Joint Committee on Administrative Rules, State Capitol, Room 138, Jefferson City, MO 65101.

3. Certification letter or cover letter

on agency letterhead – This letter must certify that the attached is a complete and accurate copy of the final order of rulemaking and must include the corresponding rule number. Someone listed on the delegation of authority must sign this letter.

Address one (1) original letter to the secretary of state

List rule number and title

Certify that the attached are complete and accurate copies of the final order of rulemaking

Example

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, MO 65101
rules@sos.mo.gov

Dear Secretary,

Re: *Rule Number and Title*

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by *name of your department, board, or commission*.

Statutory Authority: *section(s) your agency's statute(s) for rulemaking*.

If there are any questions regarding the content of this order of rulemaking, please contact:

Name
Address
Phone Number
Email

Authorized signature of the department director or his/her designee which is on file in the Office of the Secretary of State, Administrative Rules

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

4. Order of rulemaking.

FINAL ORDER FOR A WITHDRAWAL

Now that you have the paperwork –

1. Now that you have all original documents prepared, make a PDF packet of all documents. Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov; be sure to put Rulemaking at the beginning of the subject.
2. Send PDF packet of all documents to JCAR at JTCAR@senate.mo.gov.
3. If there was a cost to small business that resulted in the agency preparing a small business impact statement, a PDF packet must be emailed to the Small Business Regulatory Fairness Board at sbrfb@ded.mo.gov on the same day you file the PDF packet with JCAR.
4. JCAR will send stamped PDF packet back to your agency.
5. *Wait for thirty (30) days*, then email JCAR stamped PDF packet to rules@sos.mo.gov.
6. Now you can relax and wait for the rulemaking to become effective.

EMERGENCY

UNDER THIS PROVISION, A RULE MAY BE MADE, AMENDED, OR RESCINDED WITHOUT GOING THROUGH ALL THE NORMAL PROCEDURAL STEPS, BUT ONLY IF THE STATE AGENCY –

- Finds that an immediate danger to the public health, safety, or welfare requires emergency action; or
- The rule is necessary to preserve a compelling governmental interest that requires an early effective date; and
- Follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; and
- Follows procedures which comply with protections extended by the *Missouri* and *United States Constitutions*; and
- Limits the scope of such rule to the circumstances creating the required emergency action.

The agency should explain in simple terms what has created the emergency or need for quick action, such as new statutes, budget cuts, court cases, or federal regulatory changes. The agency should explain what harm or consequences will happen if the emergency action is not taken.

At the time of filing, the agency must file concurrently with the Office of the Secretary of State, the Joint Committee on Administrative Rules, and the Small Business Regulatory Fairness Board, if applicable, insert the text of the rulemaking, together with very specific facts, reasons, and findings which support the agency's conclusion that they have fully complied with the requirements of section 536.025.1., RSMo (set out above); if the agency finds the rule is necessary to preserve a compelling governmental interest, the agency shall certify, in writing, the reasons therefore.

Emergency rules filed under the provisions of section 536.025.1.(2), RSMo (best calculated to assure fairness . . .), shall be published in the *Missouri Register* as soon as practicable after the filing thereof and on our emergency rules page within three (3) business days of filing. It is the responsibility of the Office of the Secretary of State to review the filing for compliance with the requirements for publication and adoption established in the statutes. In the event the Office of the Secretary of State determines such proposed material does not meet those requirements, this office, according to statutory authority, SHALL NOT PUBLISH. The secretary of state will inform the agency of his/her determination.

Any emergency rule is subject to judicial review.

An emergency rule adopted under the provisions of this section shall clearly state the interval during which it will be in effect. No emergency rule shall be in effect longer than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer.

Emergency rules are not renewable, nor may an agency adopt consecutive emergency rules having substantially the same effect; however, the agency may adopt an identical proposed rule under normal rulemaking procedures.

A rule adopted under the provisions for **emergency rules** may be effective not less than ten (10) business days after the filing thereof in the Office of the Secretary of State, or at such later

EMERGENCY

date as specified by the rule – and may be terminated at any time by filing a final order fixing the date of termination. This final order shall also be published in the *Missouri Register* as soon as practicable.

TIME LINE FOR EMERGENCY RULES

An emergency rule is filed with the Joint Committee on Administrative Rules and the Administrative Rules Division, Office of the Secretary of State, and the Small Business Regulatory Fairness Board, if applicable, on the same day. It may become effective as early as ten (10) business days after filing or any time after that as indicated in the emergency statement and the history of the rule.

When the emergency rule becomes effective, it may remain effective for one hundred eighty (180) days. To calculate the expiration date, use the timeline calculator at s1.sos.mo.gov/adrules/datecalc/. If you wish the rule to expire sooner, you may elect to choose an earlier date.

There is also a provision that allows a rule to be effective for up to thirty (30) **legislative days** if that is a longer period of time than the one hundred eighty (180) days. This would apply from approximately the end of March until the first of August. (See section 536.025.7., RSMo, for an explanation of how to count legislative days.) Remember, when the thirty- (30-) legislative day option is selected, the rule may remain effective until sometime in either January or February if the effective date includes any legislative days in April or May of the previous legislative session. (See Time Lines for Publishing Administrative Rules, pages 112-113.)

When determining the expiration date, check the time line calculator to determine when your proposed rule will take effect. If necessary, you may wish to adjust the effective date in order to prevent a gap from occurring between the end of the emergency rule and the effective date of the proposed rule.

Section 536.025.9., RSMo, provides for **termination at any time** by filing an order fixing the date of such termination.

EMERGENCY RULE

Contents of an emergency rule.

Example

STEP 1. Header, centered, contains the –

Title number – NAME OF DEPARTMENT
Division number – Name of Division
Chapter number – Name of Chapter

Title 15 – ELECTED OFFICIALS
Division 30 – Secretary of State
Chapter 750 – Painless Rulemaking

STEP 2. Type of rulemaking, centered

EMERGENCY RULE

STEP 3. Rule number and title

If you are doing a new rule, check with the Administrative Rules Division for verification of the rule number before you use that specific number.

STEP 4 – Write an original purpose statement giving a brief explanation of the reasons this rule is needed.

STEP 5 – Write the emergency statement. It must include –

- Either an immediate danger to the public health, safety, or welfare OR a compelling governmental interest. Give a detailed explanation of the reasons;
- Procedures to assure fairness to all persons and parties;
- Protections extended by the *Missouri* and *United States Constitutions*;
- Limiting the scope to the emergency circumstances;
- Reasons the agency is filing the rule;
- The consequences that would occur if an emergency rule is not enacted; and
- The filing date, effective date, and expiration date.

15 CSR 30-750.030 Lapsed Rules Cannot Be Promulgated

PURPOSE: This rule clarifies that rules not filed within ninety (90) days after the public comment period expires cannot be promulgated.

*EMERGENCY STATEMENT: This emergency rule informs state agencies and the public that lapsed rules cannot be promulgated. This emergency rule is necessary to protect a compelling governmental interest as some agencies may try to promulgate lapsed rules and thus leave the populace unregulated in an important field that should be regulated. As a result, the (insert name of agency) finds a compelling governmental interest, which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The (insert name of agency) believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed December 20, 2019, becomes effective January 7, 2020, and expires July 4, 2020.*

EMERGENCY RULE

Example

STEP 4 – Write the text of the rule.

STEP 5 – Add the authority section with the current RSMo date, followed by the filing date, effective date, and expiration date. Please remember that the emergency rule is effective for ONLY one hundred eighty (180) days or thirty (30) legislative days and is NOT renewable.

NOTE: The history of an emergency rule goes into the authority section of the *Code of State Regulations*, but the text of the emergency rule is not printed in the *Code of State Regulations*.

PUBLIC COST (requires a declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500) for the emergency rulemaking, a fiscal note must accompany the emergency rulemaking.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500) for the emergency rulemaking, a fiscal note must accompany the emergency rulemaking.

(1) Any proposed rule, amendment, or rescission must have the final order of rulemaking for such rulemaking filed with the Administrative Rules Division of the Office of the Secretary of State within ninety (90) days of the last day of the comment period.

(2) Any proposed rule, amendment, or rescission whose final order of rulemaking is filed more than ninety (90) days after the end of the comment period shall be deemed lapsed and shall not be published as a final order of rulemaking.

(3) In order to promulgate a rule that has lapsed, the entire rulemaking process must be begun again.

AUTHORITY: section 536.023, RSMo [current statute date]. Emergency rule filed Dec. 20, 2019, effective Jan. 7, 2020, expires July 4, 2020. A proposed rule covering this same material is published in this issue of the Missouri Register.

PUBLIC COST: This emergency rule will cost state agencies or political subdivisions seven hundred thirty-two dollars (\$732) in the time the emergency is effective.

PRIVATE COST: This emergency rule will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

EMERGENCY RULE

STEP 6 – PREPARE THE RULE PACKET (order listed below)

A. Fill out the rule transmittal sheet.

Secretary of State Administrative Rules RULE TRANSMITTAL
--

Administrative Rules Stamp

Rule Number _____

Use a “SEPARATE” rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content _____

Email address _____

Data Entry _____

Email address _____

This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions. Please include extension numbers.

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking Rule Amendment Rescission Termination
Effective Date for the Emergency _____

Proposed Rulemaking Rule Amendment Rescission

Rule Action Notice In Addition Rule Withdrawal Rescission
 Request for Non-Substantive Changes _____

Statement of Actual Cost _____

Order of Rulemaking Withdrawal Adopt Amendment Rescission
Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory Fairness Board (DED) Stamp

JCAR Stamp

EMERGENCY RULE

B. Prepare letter for JCAR

This letter will be similar to the letter for SOS, except addressed to the Joint Committee on Administrative Rules, State Capitol, Room 138, Jefferson City, MO 65101.

C. Certification or cover letter on agency letterhead

letterhead – This letter must certify that the attached is a complete and accurate copy of the emergency rulemaking and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Example

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

Address letter to the secretary of state

Dear Secretary,

List the rule number and title of the rule

Re: Rule Number and Title

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the emergency rulemaking lawfully submitted by *name of your department, board, or commission*.

Section 536.025.2., RSMo, requires compelling governmental interest to be certified in writing

I further certify that this emergency rule is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

Rulemaking authority

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

Name of the person the Administrative Rules staff may call

If there are any questions regarding the content of this emergency rulemaking, please contact:

*Name
Address
Phone Number
Email.*

Authorized signature of the department director, or his/her designee whose Delegation of Authority form is on file in the Office of the Secretary of State, Administrative Rules.

*Signature of proper authority
Name and title of proper authority
Name of department, board, or commission*

EMERGENCY RULE

D. Prepare declaration (public cost)

Cost less than five hundred dollars (\$500) – state that the cost is less than five hundred dollars (\$500) to this agency, any other state agency, or political subdivision in the time the emergency is effective.

Requires signature of proper authority.
(This signature is statutorily required to be on file in the Office of the Secretary of State.)
See page 1.05B.

Cost greater than five hundred dollars (\$500) – state that the cost is a reasonably accurate estimate.

Requires signature of proper authority.
(This signature is statutorily required to be on file in the Office of the Secretary of State.)
See page 1.05B.

Example

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the cost of emergency rule *insert rule number*, is less than five hundred dollars to this agency, any other agency of state government, or any political subdivision thereof in the time the emergency is effective.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the emergency rule to *insert rule number* is a reasonably accurate estimate.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

EMERGENCY RULE

D. Fiscal notes – Public and Private

Forms available at sos.mo.gov/adrules/forms

1. Prepare a public fiscal note when **public cost** is greater than five hundred dollars (\$500) in the time the emergency is effective (536.200, RSMo)

FISCAL NOTE PUBLIC COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
	Summary of fiscal impact

III. WORKSHEET

Detailed estimated cost of compliance

IV. ASSUMPTIONS

Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to make sure the numbers match.

EMERGENCY RULE

2. Prepare a private fiscal note when private cost is greater than five hundred dollars (\$500) in the time the emergency is effective (section 536.205, RSMo)

FISCAL NOTE PRIVATE COST

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Summary of fiscal impact – number and type of entities affected and the associated cost of the emergency rule		

III. WORKSHEET

Detailed estimated cost of compliance with the emergency rule

IV. ASSUMPTIONS

Agency's assumptions, references, and methods of acquiring information that result in the conclusions contained in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to make sure the numbers match.

EMERGENCY RULE

STEP 7 – Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject.

STEP 8 – Filing of an emergency rule.

- A. Now that you have the original documents prepared, scan the documents all together into a PDF packet for filing.
- B. Send a Word version of the emergency rulemaking only to rules@sos.mo.gov.
- C. If applicable, send a copy to the Small Business Regulatory Fairness Board. They should send you back a stamped copy of the PDF packet.
- D. Send that packet, if applicable, to JCAR at JTCAR@senate.mo.gov.
- E. If not applicable, send PDF packet directly to JCAR at JTCAR@senate.mo.gov.
- F. JCAR will send a stamped PDF to Administrative Rules, Office of the Secretary of State.
- G. Administrative Rules will send a stamped copy of the PDF packet back to your agency.

NOTE: Filings made later in the day may not receive their stamped PDF packet until the next business day.

Assemble packet for each rule in the following order:

1. Rule transmittal sheet;
2. Letter from governor's office, if applicable;
3. Cover letter for JCAR;
4. Cover letter for secretary of state;
5. Declaration;
6. Emergency rule;
7. Fiscal note(s) (if applicable);
8. Forms (“included herein”) (if applicable); and
9. A properly formatted email attachment in Microsoft Word containing the emergency rule.

EMERGENCY AMENDMENT

Contents of an emergency amendment.

STEP 1 – Header, centered, contains the –

Title number – NAME OF DEPARTMENT

Division number – Name of Division

Chapter number – Name of Chapter

STEP 2. Type of rulemaking, centered

STEP 3. Rule number and title

STEP 4 – Add a descriptive sentence following the title that lists the section or sections being amended.

STEP 5 – Write a purpose statement giving a brief explanation of the reasons this amendment is needed.

STEP 6 – Write the emergency statement. It must include –

- Either an immediate danger to the public health, safety, or welfare OR a compelling governmental interest. Give a detailed explanation of the reasons;
- Procedures to assure fairness to all persons and parties;
- Protections extended by the *Missouri* and *United States Constitutions*;
- Limiting the scope to the emergency circumstances;
- Reasons the agency is filing the amendment;
- The consequences that would occur if an emergency is not enacted; and
- The filing date, effective date, and expiration date.

Example

Title 15 – ELECTED OFFICIALS

Division 30 – Secretary of State

Chapter 750 – Painless Rulemaking

EMERGENCY AMENDMENT

15 CSR 30-750.003 Filing Requirements.

The division is amending section (2).

PURPOSE: *This amendment adds the requirement for filing a third copy with an emergency rulemaking.*

EMERGENCY STATEMENT: *This emergency amendment informs state agencies that rules filed as emergencies must have an extra copy to be properly filed with the Office of the Secretary of State. This emergency amendment is necessary to protect governmental interest as some agencies may try to file rules without the correct amount of copies not realizing that this could jeopardize the rulemaking process. As a result, the (insert name of agency) finds a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The (insert name of agency) believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed December 20, 2019, becomes effective January 7, 2020, and expires July 4, 2020.*

EMERGENCY AMENDMENT

Example

STEP 7 – Write the text of the amendment. Current rule text is available at www.sos.mo.gov/adrules/agency/.

NOTE: All text indented under the subsection must be submitted with your amendment.

STEP 8 – Add the authority section with the current RSMo date, followed by the filing date, effective date, and expiration date. Please remember that the emergency amendment is effective for ONLY one hundred eighty (180) days or thirty (30) legislative days and is NOT renewable.

NOTE: The history of an emergency amendment goes into the authority section of the *Code of State Regulations*, but the text of the emergency amendment is not printed in the *Code of State Regulations*.

PUBLIC COST (requires a declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500) in the time the emergency is effective, a fiscal note must accompany the emergency rulemaking.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500) in the time the emergency is effective, a fiscal note must accompany the emergency rulemaking.

(2) When filing an emergency rule or amendment, please check the rulemaking thoroughly as the Administrative Rules Division is not able to read and edit due to time constraints related to posting emergency rules online within three (3) days.

AUTHORITY: sections 208.153, 208.159, 208.201, and 660.017, RSMo 2016. Emergency rule filed May 16, 2023, effective May 31, 2023, expires November 26, 2023. A proposed rule covering this same material is published in this issue of the Missouri Register.

PUBLIC COST: This emergency amendment will cost state agencies or political subdivisions seven hundred thirty-two dollars (\$732) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

EMERGENCY AMENDMENT

STEP 9 – PREPARE THE RULE PACKET (order listed below)

A. Fill out the rule transmittal sheet.

Secretary of State Administrative Rules RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number _____

Use a “SEPARATE” rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content _____

Email address _____

Data Entry _____

Email address _____

This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions. Please include extension numbers.

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking _____ Rule _____ Amendment _____ Rescission _____ Termination
Effective Date for the Emergency _____

Proposed Rulemaking _____ Rule _____ Amendment _____ Rescission

Rule Action Notice In Add _____

Request for Non-Substantive C _____ This section describes the type of rulemaking action and dates necessary for filing.

Statement of Actual Cost

Order of Rulemaking _____ Withdrawal _____ Adopt _____ Amendment _____ Rescission
Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory Fairness Board (DED) Stamp

JCAR Stamp

EMERGENCY AMENDMENT

B. Prepare letter for JCAR

This letter will be similar to the letter for SOS, except addressed to the Joint Committee on Administrative Rules, State Capitol, Room 138, Jefferson City, MO 65101.

C. Certification letter or cover letter on agency letterhead

This letter must certify that the attached is a complete and accurate copy of the emergency rulemaking and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Address letter to the secretary of state

List the rule number and title of the rule

Section 536.025.2., RSMo, requires compelling governmental interest to be certified in writing

Rulemaking authority

Name of the contact person the Administrative Rules staff may call

Authorized signature of the department director, or his/her designee whose Delegation of Authority form is on file in the Office of the Secretary of State, Administrative Rules.

Example

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

Dear Secretary,

Re: Rule Number and Title

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the emergency rulemaking lawfully submitted by *name of your department, board, or commission*.

I further certify that this emergency amendment is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

If there are any questions regarding the content of this emergency rulemaking, please contact:

*Name
Address
Phone Number
Email.*

Signature of proper authority

Name and title of proper authority

Name of department, board, or commission

EMERGENCY AMENDMENT

D. Prepare declaration (public cost)

Cost less than five hundred dollars (\$500) – state that the cost is less than five hundred dollars (\$500) to this agency, any other state agency, or political subdivision in the time the emergency is effective.

Requires signature of **proper** authority.
(This signature is statutorily required to be on file in the Office of the Secretary of State.)
See page 1.05B.

Cost greater than five hundred dollars (\$500) – state that the cost is a reasonably accurate estimate.

Requires signature of **proper** authority.
(This signature is statutorily required to be on file in the Office of the Secretary of State.)
See page 1.05B.

Example

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the cost of emergency amendment *insert rule number*, is less than five hundred dollars to this agency, any other agency of state government, or any political subdivision thereof in the time the emergency is effective.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the emergency amendment to *insert rule number* is a reasonably accurate estimate.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

EMERGENCY AMENDMENT

D. Fiscal notes – Public and Private

Forms available at sos.mo.gov/adrules/forms

1. Prepare a public fiscal note when **public cost** is greater than five hundred dollars in the time the emergency is effective (\$500) (536.200, RSMo)

FISCAL NOTE PUBLIC COST

I. Department Title:
Division Title:
Chapter Title:

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
	Summary of fiscal impact

III. WORKSHEET

Detailed estimated cost of compliance

IV. ASSUMPTIONS

Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to make sure the numbers match.

EMERGENCY AMENDMENT

2. Prepare a private fiscal note when private cost is greater than five hundred dollars (\$500) in the time the emergency is effective (section 536.205, RSMo)

FISCAL NOTE PRIVATE COST

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Summary of fiscal impact – number and type of entities affected and the associated cost of the emergency amendment		

III. WORKSHEET

Detailed estimated cost of compliance with the emergency amendment

IV. ASSUMPTIONS

Agency's assumptions, references, and methods of acquiring information that result in the conclusions contained in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to make sure the numbers match.

EMERGENCY AMENDMENT

STEP 10—Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject.

STEP 11—Filing of an emergency amendment.

- A. Now that you have the original documents prepared, scan the documents all together into a PDF packet for filing.
- B. Send a Word version of the emergency rulemaking only to rules@sos.mo.gov.
- C. If applicable, send a copy to the Small Business Regulatory Fairness Board at sbrfb@ded.mo.gov.
- D. Send that packet, if applicable, to JCAR at JTCAR@senate.mo.gov.
- E. JCAR will send a stamped PDF to Administrative Rules, Office of the Secretary of State.
- F. Administrative Rules will send a stamped copy of the PDF packet back to your agency.

NOTE: Filings made later in the day may not receive their stamped PDF packet until the next business day.

Assemble packet for each rule in the following order:

1. Rule transmittal sheet;
2. Letter from governor's office;
3. Cover letter for JCAR;
4. Cover letter for secretary of state;
5. Declaration;
6. Emergency amendment;
7. Fiscal note(s) (if applicable);
8. Forms (“included herein”) (if applicable); and
9. A properly formatted email attachment in Microsoft Word containing the emergency rule.

EMERGENCY RESCISSION

Contents of an Emergency Rescission

STEP 1 – Header, centered, contains the –

Title number – NAME OF DEPARTMENT

Division number – Name of Division

Chapter number – Name of Chapter

STEP 2. Type of rulemaking, centered

STEP 3. Rule number and title

STEP 4 – Add the original rule purpose in past tense following the rule title.

STEP 5 – Write a purpose statement giving a brief explanation of the reason this rule is no longer needed.

STEP 6 – Write the emergency statement. It must include –

- Either an immediate danger to the public health, safety, or welfare OR a compelling governmental interest. Give a detailed explanation of the reasons;
- Procedures to assure fairness to all persons and parties;
- Protections extended by the *Missouri* and *United States Constitutions*;
- Limiting the scope to the emergency circumstances;
- Reasons the agency is filing the rescission;
- The consequences that would occur if an emergency is not enacted; and
- The filing date, effective date, and expiration date.

Example

Title 15 – ELECTED OFFICIALS

Division 30 – Secretary of State

Chapter 750 – Painless Rulemaking

EMERGENCY RESCISSION

15 CSR 30-750.005 Filing Rules by ATMS.

This rule required rules to be submitted in ATMS format on the mainframe.

PURPOSE: This rule is being rescinded as ATMS no longer exists.

*EMERGENCY STATEMENT: This emergency rescission informs citizens that ATMS is no longer available for use. This emergency rescission is necessary to protect a compelling governmental interest since it is not possible to leave the populace unregulated in an important field that should be regulated. As a result, the (insert name of agency) finds a compelling governmental interest, which requires this emergency action. A proposed rescission, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The (insert name of agency) believes this emergency rescission is fair to all interested persons and parties under the circumstances. This emergency rescission was filed December 20, 2019, becomes effective January 7, 2020, and expires July 4, 2020.*

EMERGENCY RESCISSION

Example

STEP 7 – Add the authority section as presently shown in the *Code*, followed by the filing date, effective date, and expiration date. Please remember that the emergency rescission is effective for ONLY one hundred eighty (180) days or thirty (30) legislative days and is NOT renewable.

NOTE: The history of an emergency rescission goes into the authority section of the *Code of State Regulations*.

PUBLIC COST (requires a declaration). This states the cost to any state agency or political subdivision. If the cost is more than five hundred dollars (\$500) for the emergency rulemaking, a fiscal note must accompany the emergency rulemaking.

PRIVATE COST. This states the cost to any private entity. If the cost is more than five hundred dollars (\$500) for the emergency rulemaking, a fiscal note must accompany the emergency rulemaking.

AUTHORITY: section 536.023, RSMo 2000. Original rule filed July 15, 1976, effective July 25, 1976. Amended: Filed Aug. 1, 1982, effective Dec. 4, 1982. Amended: Filed Jan. 16, 1985, effective July 30, 1985. Emergency rescission filed Dec. 20, 2019, effective Jan. 7, 2020, expires July 4, 2020. A proposed rescission covering this same material is published in this issue of the Missouri Register.

PUBLIC COST: This emergency rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency rescission will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

EMERGENCY RESCISSION

STEP 8 – PREPARE THE RULE PACKET (order listed below)

A. Fill out the rule transmittal sheet.

Secretary of State Administrative Rules RULE TRANSMITTAL
--

Administrative Rules Stamp

Rule Number _____

Use a “SEPARATE” rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content _____

Email address _____

Data Entry _____

Email address _____

This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions. Please include extension numbers.

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking _____ Rule _____ Amendment _____ Rescission _____ Termination
Effective Date for the Emergency _____

Proposed Rulemaking _____ Rule _____ Amendment _____ Rescission

Rule Action Notice In Addition Rule Under Consideration _____

Request for Non-Substantive Change _____ This section describes the type of rulemaking action and dates necessary for filing.

Statement of Actual Cost _____ and dates necessary for filing.
 Order of Rulemaking _____ Withdrawal _____ Adopt _____ Amendment _____ Rescission
Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory Fairness Board (DED) Stamp
--

JCAR Stamp

EMERGENCY RESCISSION

B. Prepare letter for JCAR

This letter will be similar to the letter for SOS, except addressed to the Joint Committee on Administrative Rules, State Capitol, Room 138, Jefferson City, MO 65101.

C. Certification letter or cover letter

on agency letterhead – This letter must certify that the attached is a complete and accurate copy of the emergency rescission and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Address letter to the secretary of state

List the rule number and title of the rule

Section 536.025.2., RSMo, requires compelling governmental interest to be certified in writing

Rulemaking authority

Name of the contact person the Administrative Rules staff may call

Authorized signature of the department director, or his/her designee whose Delegation of Authority form is on file in the Office of the Secretary of State, Administrative Rules.

Example

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

Dear Secretary,

Re: Rule Number and Title

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the emergency rulemaking lawfully submitted by *[name of your department, board, or commission]*.

I further certify that this emergency rescission is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

Statutory Authority: section(s) *[your agency's statute(s) for rulemaking]*.

If there are any questions regarding the content of this emergency rulemaking, please contact:

Name
Address
Phone Number
Email.

Signature of proper authority
Name and title of proper authority
Name of department, board, or commission

EMERGENCY RESCISSION

D. Prepare declaration (public cost)

Cost less than five hundred dollars (\$500) – state that the cost is less than five hundred dollars (\$500) to this agency, any other state agency, or political subdivision in the time the emergency is effective.

Requires signature of proper authority.
(This signature is statutorily required to be on file in the Office of the Secretary of State.)
See page 1.05B.

Cost greater than five hundred dollars (\$500) – state that the cost is a reasonably accurate estimate.

Requires signature of proper authority.
(This signature is statutorily required to be on file in the Office of the Secretary of State.)
See page 11.

Example

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the cost of emergency rescission *insert rule number*, is less than five hundred dollars to this agency, any other agency of state government, or any political subdivision thereof in the time the emergency is effective.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

DECLARATION OF PUBLIC COST

I, *name of person with authority, name of department, board or commission*, do declare that it is my opinion that the attached fiscal note for the emergency rescission to *insert rule number* is a reasonably accurate estimate.

Signature of person with authority
Name of proper authority
Title of proper authority
Name of department, board or commission

EMERGENCY RESCISSION

D. Fiscal notes – Public and Private

Forms available at sos.mo.gov/adrules/forms

1. Prepare a public fiscal note when **public cost** is greater than five hundred dollars (\$500) in the time the emergency is effective (536.200, RSMo)

FISCAL NOTE PUBLIC COST

- I. Department Title:
Division Title:
Chapter Title:

Rule Number and Name:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
	Summary of fiscal impact

III. WORKSHEET

Detailed estimated cost of compliance

IV. ASSUMPTIONS

Agency's assumptions, references, and methods of acquiring information that result in the conclusions in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the public cost statement to make sure the numbers match.

EMERGENCY RESCISSION

2. Prepare a private fiscal note when private cost is greater than five hundred dollars (\$500) in the time the emergency is effective (section 536.205, RSMo)

FISCAL NOTE PRIVATE COST

**I. Department Title:
Division Title:
Chapter Title:**

Rule Number and Title:	
Type of Rulemaking:	

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Summary of fiscal impact – number and type of entities affected and the associated cost of the emergency rescission		

III. WORKSHEET

Detailed estimated cost of compliance with the emergency rescission

IV. ASSUMPTIONS

Agency's assumptions, references, and methods of acquiring information that result in the conclusions contained in the fiscal note

NOTE: Please compare your numbers in the fiscal note with those you have included in the private cost statement to make sure the numbers match.

EMERGENCY RESCISSION

STEP 9 – Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject.

STEP 10 – Filing of an emergency rescission.

- A. Now that you have the original documents prepared, scan the documents all together into a PDF packet for filing.
- B. Send a Word version of the emergency rulemaking only to rules@sos.mo.gov.
- C. If applicable, send a copy to the Small Business Regulatory Fairness Board at sbrfb@ded.mo.gov.
- D. Send that packet, if applicable, to JCAR at JTCAR@senate.mo.gov.
- E. JCAR will send a stamped PDF to Administrative Rules, Office of the Secretary of State.
- F. Administrative Rules will send a stamped copy of the PDF packet back to your agency.

NOTE: Filings made later in the day may not receive their stamped PDF packet until the next business day.

Assemble packet for each rule in the following order:

1. Rule transmittal sheet;
2. Letter from governor's office;
3. Cover letter for JCAR;
4. Cover letter for secretary of state;
5. Declaration;
6. Emergency rescission;
7. Fiscal note(s) (if applicable);
8. Forms (“included herein”) (if applicable); and
9. A properly formatted email attachment in Microsoft Word containing the emergency rule.

EMERGENCY TERMINATION

Contents of an emergency termination.

STEP 1 – Header, centered, contains the –

Title number – NAME OF DEPARTMENT

Division number – Name of Division

Chapter number – Name of Chapter

STEP 2. Type of rulemaking, centered

STEP 3 – Write your order terminating the emergency amendment. It must include the –

- Rulemaking statute;
- Date the amendment will be terminated;
- Title of the rule; and
- Publication date and page numbers.

NOTE: The history of an emergency termination goes into the authority section of the *Code of State Regulations*.

Example

Title 15 – ELECTED OFFICIALS

Division 30 – Secretary of State

Chapter 750 – Painless Rulemaking

ORDER TERMINATING EMERGENCY AMENDMENT

By the authority vested in the *[your division]* under section *[statute for rulemaking authority]*, RSMo *[current statute date]*, the *[your division]* hereby terminates an emergency amendment effective January 7, 2018, as follows:

15 CSR 30-750.003 Filing Requirements is terminated.

A notice of emergency rulemaking containing the text of the emergency amendment was published in the **Missouri Register** on *date of publication* (volume MoReg page number).

EMERGENCY TERMINATION

STEP 6 – PREPARE THE RULE PACKET (order listed below)

A. Fill out the rule transmittal sheet.

Secretary of State Administrative Rules RULE TRANSMITTAL	Administrative Rules Stamp
---	----------------------------

Rule Number _____

Use a “SEPARATE” rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content _____

Email address _____

Data Entry _____

Email address _____

This section gives information to Administrative Rules staff about your rule and the people in your agency who work with rules and can answer questions. Please include extension numbers.

Interagency mailing address _____

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking Rule Amendment Rescission Termination
Effective Date for the Emergency _____

Proposed Rulemaking Rule Amendment Rescission

Rule Action Notice In Addition Rule Withdrawal Consideration _____

Request for Non-Substantive Change _____

This section describes the type of rulemaking action and dates necessary for filing.

Statement of Actual Cost _____

Order of Rulemaking Withdrawal Adopt Amendment Rescission
Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory Fairness Board (DED) Stamp
--

JCAR Stamp

EMERGENCY TERMINATION

2. Prepare letter for JCAR

B. Certification letter or cover letter

on agency letterhead – This letter must certify that the attached is a complete and accurate copy of the emergency termination and must include the corresponding rule number. The director of the department or his/her designee must sign this letter.

Address letter to the secretary of state

List the rule number and title of the rule

Rulemaking authority

Name of the contact person the Administrative Rules staff may call

Authorized signature of the department or division director, or his/her designee whose Delegation of Authority form is on file in the Office of the Secretary of State, Administrative Rules.

This letter will be similar to the letter for SOS, except addressed to the Joint Committee on Administrative Rules, State Capitol, Room 138, Jefferson City, MO 65101.

Example

Secretary of State
Administrative Rules
600 West Main Street
Jefferson City, Missouri 65101
rules@sos.mo.gov

Dear Secretary,

Re: Rule Number and Title

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the emergency rulemaking lawfully submitted by *[your department, board, or commission]*.

I further certify that this emergency rescission is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

Statutory Authority: section(s) *your agency's statute(s) for rulemaking*.

If there are any questions regarding the content of this emergency rulemaking, please contact:

*Name
Address
Phone Number
Email.*

*Signature of proper authority
Name and title of proper authority
Name of department, board, or commission*

EMERGENCY TERMINATION

STEP 7 – Prepare Word version of rulemaking and send it as an email attachment to rules@sos.mo.gov and be sure to put Rulemaking at the beginning of the subject.

STEP 8 – Filing of an emergency termination.

- A. Now that you have the original documents prepared, scan the documents all together into a PDF packet for filing.
- B. Send a Word version of the emergency rulemaking only to rules@sos.mo.gov.
- C. If applicable, send a copy to the Small Business Regulatory Fairness Board at sbrfb@ded.mo.gov.
- D. Send that packet to JCAR at JTCAR@senate.mo.gov.
- E. JCAR will send a stamped PDF to Administrative Rules, Office of the Secretary of State.
- F. Administrative Rules will send a stamped copy of the PDF packet back to your agency.

NOTE: Filings made later in the day may not receive their stamped PDF packet until the next business day.

Assemble packet for each rule in the following order:

1. Rule transmittal sheet;
2. Letter from governor's office;
3. Cover letter for JCAR;
4. Cover letter for secretary of state;
5. Declaration;
6. Emergency termination;
7. Fiscal note(s) (if applicable);
8. Forms (“included herein”) (if applicable); and
9. A properly formatted email attachment in Microsoft Word containing the emergency rule.

IN ADDITION

There are several types of in additions.

January 17, 2023 Vol. 48, No. 2	IN ADDITION	MISSOURI REGISTER
This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the <i>Missouri Register</i> by law.		
TITLE 11 – DEPARTMENT OF PUBLIC SAFETY [Division 10—Adjutant General] Chapter 11—State Emergency Management Agency Division 20—State Emergency Management Agency Chapter 1—Administration	IN ADDITION	which became effective December 8, 2022, the following State Emergency Management Agency rules need to be moved from Division 10 – Adjutant General to a newly created Division 20 – State Emergency Management Agency.
11 CSR [10-11.220] 20-1.220 Definitions		
TITLE 11 – DEPARTMENT OF PUBLIC SAFETY [Division 10—Adjutant General] Chapter 11—State Emergency Management Agency Division 20—State Emergency Management Agency Chapter 1—Administration	IN ADDITION	Due to the creation of the Department of the National Guard, which became effective December 8, 2022, the following State Emergency Management Agency rules need to be moved from Division 10 – Adjutant General to a newly created Division 20 – State Emergency Management Agency.
11 CSR [10-11.060] 20-1.060 State Agency Reimbursement		
TITLE 11 – DEPARTMENT OF PUBLIC SAFETY [Division 10—Adjutant General] Chapter 11—State Emergency Management Agency Division 20—State Emergency Management Agency Chapter 1—Administration	IN ADDITION	Due to the creation of the Department of the National Guard, which became effective December 8, 2022, the following State Emergency Management Agency rules need to be moved from Division 10 – Adjutant General to a newly created Division 20 – State Emergency Management Agency.
11 CSR [10-11.080] 20-1.080 Individual Assistance		
TITLE 11 – DEPARTMENT OF PUBLIC SAFETY [Division 10—Adjutant General] Chapter 11—State Emergency Management Agency Division 20—State Emergency Management Agency Chapter 1—Administration	IN ADDITION	Due to the creation of the Department of the National Guard, which became effective December 8, 2022, the following State Emergency Management Agency rules need to be moved from Division 10 – Adjutant General to a newly created Division 20 – State Emergency Management Agency.
11 CSR [10-11.210] 20-1.210 General Organization Missouri Emergency Response Commission		
TITLE 11 – DEPARTMENT OF PUBLIC SAFETY [Division 10—Adjutant General] Chapter 11—State Emergency Management Agency Division 20—State Emergency Management Agency Chapter 1—Administration	IN ADDITION	Due to the creation of the Department of the National Guard, which became effective December 8, 2022, the following State Emergency Management Agency rules need to be moved from Division 10 – Adjutant General to a newly created Division 20 – State Emergency Management Agency.
11 CSR [10-11.240] 20-1.240 Reporting Procedures Under the State and Federal Emergency Planning and Community Right-to-Know Act (EPCRA)		
TITLE 11 – DEPARTMENT OF PUBLIC SAFETY [Division 10—Adjutant General] Chapter 11—State Emergency Management Agency Division 20—State Emergency Management Agency Chapter 1—Administration	IN ADDITION	Due to the creation of the Department of the National Guard, which became effective December 8, 2022, the following State Emergency Management Agency rules need to be moved from Division 10 – Adjutant General to a newly created Division 20 – State Emergency Management Agency.
11 CSR [10-11.250] 20-1.250 Hazardous Chemical Fees		
		163

NOTICES FROM AGENCIES –

In certain instances, the RSMo requires agencies to publish a notice in the *Missouri Register*.

Example

TITLE 20 – DEPARTMENT OF COMMERCE AND INSURANCE

IN ADDITION

Section 226.096.1, RSMo, requires the Missouri Department of Commerce and Insurance to increase or decrease on an annual basis the current value of the limitation on awards for liability established under this section. The current value of the limitation is to be recalculated at the beginning of each year using the Implicit Price Deflator (IPD) for Personal Consumption Expenditures (PCE). Listed below are the new Construction Claims Binding Arbitration Limit, effective January 1, 2023, and the previous year's limit.

Fourth Quarter 2021 IPD Index	118.143
Fourth Quarter 2022 IPD Index	124.692

New 2023 Limit = 2022 Limit x (2022 Index/2021 Index)

\$495,336 = 469,316 x (124.692/118.143) for 2023

MOVING RULES –

Rules that are being moved in the CSR can be moved through an in addition. If text changes are being made, rules should be moved through the proposed amendment process.

Example

TITLE 11 – DEPARTMENT OF PUBLIC SAFETY [Division 10—Adjutant General] Chapter 11—State Emergency Management Agency Division 20—State Emergency Management Agency Chapter 1—Administration

IN ADDITION

Due to the creation of the Department of the National Guard, which became effective December 8, 2022, the following State Emergency Management Agency rules need to be moved from Division 10 – Adjutant General to a newly created Division 20 – State Emergency Management Agency.

11 CSR [10-11.060] 20-1.060 State Agency Reimbursement

CORRECTIONS –

Certain errors in the CSR can be corrected through an in addition.

Example

TITLE 3 – DEPARTMENT OF CONSERVATION Division 10 – Conservation Commission Chapter 12 – Wildlife Code: Special Regulations for Areas Owned by Other Entities

IN ADDITION

3 CSR 10-12.109 Closed Hours

A proposed amendment for this rule was published in the April 1, 2022, issue of the *Missouri Register* (47 MoReg 475). Through an error, subsection (1)(V) was not published as it should have been. Subsection (1)(V) should have been included to show that Lake Springfield and Tailwaters Access were removed from (1)(V). The corrected (1)(V) is printed here as it will appear in the March 31, 2023, update to the *Code of State Regulations*. We apologize for any inconvenience this error has caused.

(1) Closed Hours. The following areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats, and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this chapter:

(V) Springfield City Utilities (Fellows Lake).

IN ADDITION

NON-SUBSTANTIVE CHANGE –

The provisions of 536.032, RSMo, allow for non-substantive changes to be made to a rule at the request of the agency that promulgated the rule. Section 536.023, RSMo, states the specific changes that can be made through a non-substantive change request.

Example

TITLE 10 – DEPARTMENT OF NATURAL RESOURCES **Division 140 – Division of Energy** **Chapter 4 – Wood Energy Credit**

NON-SUBSTANTIVE CHANGE REQUEST

The Missouri Department of Natural Resources' Division of Energy requests that the secretary of state make a non-substantive change to the following rule in accordance with the provisions of section 536.032, RSMo. Rule 10 CSR 140-4.010, Wood Energy Credit, contains several references to the Missouri Department of Economic Development. Executive Order 19-01, which implemented 10 CSR 140-4.010, transferred the Division of Energy from the Missouri Department of Economic Development to the Missouri Department of Natural Resources, along with "...all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges" Accordingly, the Missouri Department of Natural Resources' Division of Energy requests all references to "Missouri Department of Economic Development" and "Department of Economic Development" that appear in 10 CSR 140-4.010 be replaced with the "Missouri Department of Natural Resources" or "Department of Natural Resources," respectively.

References to be changed are found in 10 CSR 140-4.010(2) (three appearances), 10 CSR 140-4.010(3) (two appearances), and 10 CSR 140-4.010(5) (one appearance).

This change will appear in the July 31, 2022, update to the *Code of State Regulations*.

A non-substantive change request form is available at <https://www.sos.mo.gov/adrules/forms>. Please submit a transmittal sheet with your change request. A non-substantive change request does not need to be filed with JCAR.

The change will be made to the Code of State Regulations at the end of the month in which the change appears in the Missouri Register.

STATEMENT OF ACTUAL COST –

When the public cost of a proposed rulemaking in the first full fiscal year exceeds the public cost estimate by more than 10 percent (10%) or exceeds five hundred dollars (\$500) in the aggregate when the proposed rulemaking stated that the cost would be less than five hundred dollars (\$500) in the aggregate, a Statement of Actual Cost must be published in the *Missouri Register*.

Example

Title 3 – DEPARTMENT OF CONSERVATION **Division 10 – Conservation Commission** **Chapter 5 – Wildlife Code: Permits**

STATEMENT OF ACTUAL COST

3 CSR 10-5.900 Resident Black Bear Hunting Permit

The original public cost estimate for this rulemaking was published in the *Missouri Register* on October 15, 2020 (45 MoReg 1573-1575). The actual one-time cost to the Department of Conservation in FY22 was one hundred six thousand and six hundred dollars (\$106,600), which was 344% more than the original public cost estimate of twenty-four thousand dollars (\$24,000).

The process and operation of the new bear season is different than other seasons currently in operation by the department. The number of hours estimated by the vendors was less than the actual hours needed to complete the one-time project.

For in additions that concern rulemakings, please submit –

- transmittal sheet;
- cover letter for JCAR;
- certification letter for SOS; and
- In Addition text

TIMELINE CALCULATOR

Using the Timeline Calculator –

The timeline calculator is an excellent tool for generating a timeline based on filing dates. The calculator can be found at <https://s1.sos.mo.gov/adrules/datecalc/>.

There are four (4) different options in the drop-down menu. We look at each of them.

PROPOSED RULEMAKING

Enter the date the rulemaking is to be filed with Administrative Rules.

If the comment period is the standard thirty- (30-) day comment period, this is the only date needed. However, if there is a public hearing or a longer comment period, then the override minimum thirty- (30-) day comment period box should be checked and the end of the comment period placed in this field.

Examples

March 20, 2023, is entered as the date to be filed with Administrative Rules Division, Office of the Secretary of State. The comment period is the normal thirty (30) days so the override box is not checked. Click the compute dates button and the following information is generated:

Date entered = Mon, Mar 20 2023,
Register filing deadline = Mon, Apr 03 2023
Register publication date = Mon, May 01 2023
Register volume = 48
Register number = 9
Last day of comments = Wed, May 31 2023
First day to file order with JCAR = Thu, Jun 01 2023
Last day to file order with JCAR (59th day) = Fri, Jul 28 2023
90 Days = Tue, Aug 29 2023

This information spells out that this rulemaking will appear in the *May 1, 2023*, issue of the *Missouri Register*:

Register volume 48. This is the 48th year of the *Missouri Register*.

Number 9. May 1, 2023, is the 9th issue of the year.

The last day for public comments is *May 31, 2023*.

First day the agency can file the order of rulemaking with JCAR is *June 1, 2023*, and the last day the order of rulemaking can be filed with JCAR is *July 28, 2023*.

The 90th day is *August 29, 2023*, which means the order of rulemaking must be filed with Administrative Rules by this date or the rulemaking lapses.

TIMELINE CALCULATOR

Next, we have a proposed rulemaking also filed on **March 20, 2023**, but in this case the agency has held hearings and lengthened the comment period.

The override minimum thirty- (30-) day comment period box is checked. The calendar appears and the last day of public comments is entered as **June 15, 2023**. The following information is generated:

Date entered = Mon, Mar 20 2023,
Register filing deadline = Mon, Apr 03 2023
Register publication date = Mon, May 01 2023
Register volume = 48 Register number = 9
(override) Last day of comments or hearing date = Thu, Jun 15 2023
First day to file order with JCAR = Fri, Jun 16 2023
Last day to file order with JCAR (59th day) = Fri, Aug 11 2023
90 Days = Wed, Sep 13 2023

This information spells out that this rulemaking will appear in the *May 1, 2023 issue of the Missouri Register*

Register volume 48. This is the 48th year of the *Missouri Register*.

Number 9. May 1, 2023, is the 9th issue of the year.

The last day of public comments changes to **June 15, 2023**.

First day the agency can file the order of rulemaking with JCAR is **June 16, 2023**, and the last day the order of rulemaking can be filed with JCAR is **August 11, 2023**.

The 90th day is **September 13, 2023**, which means the order of rulemaking must be filed with Administrative Rules by this date or the rulemaking lapses.

ORDER OF RULEMAKING

Enter the date the order of rulemaking is to be filed with Administrative Rules. The box to override the effective date is not checked as there is no special effective date. The following information is generated:

Date entered = Mon, Mar 20 2023,
Register filing deadline = Mon, Apr 03 2023
Register publication date = Mon, May 01 2023
Register volume = 48 Register number = 9
Code publication date = Wed, May 31 2023
Code effective date = Fri, Jun 30 2023

The order is filed with Administrative Rules on **March 20, 2023**.

The order goes into the **May 1, 2023**, issue of the *Missouri Register*.

The rulemaking goes into the **May 31, 2023**, update to the *Code of State Regulations*.

The rulemaking is effective **June 30, 2023**.

TIMELINE CALCULATOR

Next, we have another order of rulemaking, but this time the agency has requested a later effective date of **July 1, 2023**.

Enter the date the order of rulemaking is filed with Administrative Rules. Select the box to override the effective date and enter *July 1, 2023*. The following information is generated:

Date entered = Mon, Mar 20 2023,
Register filing deadline = Mon, Apr 03 2023
Register publication date = Mon, May 01 2023
Register volume = 48
Register number = 9
Code publication date = Wed, May 31 2023
(Override) Code effective date = Sat, July 1 2023

The order is filed with Administrative Rules on **March 20, 2023**.

The order goes into the **May 1, 2023**, issue of the *Missouri Register*.

The rulemaking goes into the **May 31, 2023**, update to the *Code of State Regulations*.

The rulemaking is effective **July 1, 2023**.

EMERGENCY RULEMAKING

Enter the date the emergency is filed with Administrative Rules. There are two override buttons for an emergency. The first is to delay the effective date. The second is to shorten the expiration date. With neither override button selected, **March 20, 2023**, was entered as the filing date for an emergency and the following information is generated:

Date entered = Mon, Mar 20 2023,
Register filing deadline = Mon, Apr 03 2023
Register publication date = Mon, May 01 2023
Register volume = 48 Register number = 9
Emergency effective date = Mon, Apr 03 2023
The emergency rule will expire on one of the following dates:
180 calendar days = Fri, Sep 29 2023
30 legislative days = Wed, Jan 10 2024

The date filed is followed by the *Register* deadline date and the *Register* publication date and the *Register* year and issue number.

The emergency effective date is ten (10) business days after filing. Weekends, holidays, and days in which the governor has closed main state offices (e.g., the Friday after Thanksgiving) are nonbusiness days.

An emergency can be effective for one hundred eighty (180) calendar days or thirty (30) legislative days, whichever is longer. In this example, the thirty (30) legislative days would be the longest time this emergency can be effective. An agency can opt to have the emergency expire at one hundred eighty (180) calendar days and not use the extra time afforded when thirty (30) legislative days is a longer period of time.

TIMELINE CALCULATOR

In this example, the agency could have the emergency rulemaking effective until *January 10, 2024*. They could opt for the one hundred eighty (180) calendar days and have the emergency expire on *September 29, 2023*.

If an agency wanted to have the emergency effective more than ten business days later, they would click the first override button. In the following example, the agency clicked the override button and chose an effective date of **July 1, 2023**.

Date entered = Mon, Mar 20 2023,
Register filing deadline = Mon, Apr 03 2023
Register publication date = Mon, May 01 2023
Register volume = 48 Register number = 9
Override emergency effective date = Sat, Jul 01 2023
The emergency rule will expire on one of the following dates:
180 calendar days = Wed, Dec 27 2023
30 legislative days = Thu, Feb 22 2024

The agency could also opt to shorten the expiration date by selecting the second override box, which would result in the following information if they chose an expiration date of **December 31, 2023**:

Date entered = Mon, Mar 20 2023,
Register filing deadline = Mon, Apr 03 2023
Register publication date = Mon, May 01 2023
Register volume = 48 Register number = 9
Override emergency effective date = Sat, Jul 01 2023
The emergency rule will expire on one of the following dates:
180 calendar days = Wed, Dec 27 2023
30 legislative days = Thu, Feb 22 2024 Override emergency rule expiration date = Sun, Dec 31 2023

We see in this example that since the agency requested an expiration date of *December 31, 2023*, the override reflects this with an expiration date as chosen by the agency.

FIRST DAY TO FILE ORDER WITH ADRULES

Once an agency files the order of rulemaking with JCAR, they must wait thirty (30) days to file it with Administrative Rules. In the date field, put the date that the order was filed with JCAR. The timeline calculator will then give you the date that you can file with Administrative Rules. In this example, **March 20, 2023**, was entered.

First day to file order with Administrative Rules = Wed, Apr 19 2023

The agency may file the order of rulemaking on *April 19, 2023*, with Administrative Rules.

FREQUENTLY ASKED QUESTIONS

FILING RULES

1. What is the easiest way for an agency to obtain the current rule text in Word format to use in preparing amendments to an administrative rule?

Current rule text in Word format is available on the Secretary of State's (SOS) Administrative Rules website at sos.mo.gov/adrules/agency/ under the Rule Copies to Amend.

2. Where can I find the fiscal note forms, affidavit, and transmittal sheet I need to complete for filing a rule?

Copies of the fiscal note forms, affidavit, and transmittal form are available at sos.mo.gov/adrules/forms. These forms may be downloaded, completed, and saved as a document in your system prior to submission to SOS.

3. What is the email address for submitting rulemaking filings?

For JCAR the email address is JTCAR@senate.mo.gov.

For Administrative Rules, Office of the Secretary of State the email address is rules@sos.mo.gov.

4. Does the secretary of state's office have any format requirements for the rules?

The secretary of state's office requires –

1) 11- or 12-point type for the rule text and 2) a JCAR stamp on the transmittal of every rule filing. Amendments are required to have brackets and italics for deleted text and bold type for new text.

5. What is required to be contained in the rulemaking PDF packet filed with Joint Committee on Administrative Rules, the Small Business Regulatory Fairness Board, and the secretary of state's office?

The PDF rulemaking packet should contain in this order –

- A. A completed [transmittal sheet](#);
- B. A certification letter addressed to JCAR;
- C. A certification letter addressed to the secretary of state;
- D. A letter from the governor's office, if applicable;
- E. A public cost declaration;
- F. The proposed rulemaking text;
- G. Public cost fiscal note, if applicable;
- H. Private cost fiscal note, if applicable; and
- I. Forms or other included herein materials, if applicable.

A Word copy of the proposed rulemaking text and fiscal notes, if applicable, should be emailed to rules@sos.mo.gov prior to sending the PDF packet to SBRFB and/or JCAR.

6. When is a state agency required to submit a copy of proposed rules, amendments to rules, or rescissions of rules to the Missouri Small Business Regulatory Fairness Board?

Prior to submitting proposed rules, amendments, or rescissions, the state agency shall determine whether the proposed rule, amendment, or rescission affects small businesses. A rule affects small business if it will “cause direct and significant economic burden upon a small business or minority small business” or if it “is directly related to the formation,

FREQUENTLY ASKED QUESTIONS

operation, or expansion of a small business." See sections 536.010(1) and 536.300, RSMo.

For any proposed rules that affect small businesses, the agency shall submit a small business statement as part of the PDF packet. See section 536.303, RSMo.

7. Where may the agency obtain a copy of a small business impact statement form?

A form that may be used to complete the small business impact statement is available on the SOS website at <https://www.sos.mo.gov/adrules/forms>.

8. When is an agency required to file a public fiscal note?

A public fiscal note must be filed if a proposed or emergency rule, amendment, or rescission will require or result in an expenditure of public funds by or a reduction of public revenues for the proposing agency or any other state agency or any political subdivision which is estimated to cost more than five hundred dollars (\$500) in the aggregate (over the lifetime of the rule) or for an emergency the time the emergency is effective to any such agency or political subdivision. The public fiscal note must provide a detailed estimated cost of compliance for each affected agency or each class of affected political subdivisions and be supported by an affidavit by the director of the department that the estimated cost is reasonably accurate. If the proposed or emergency rule, amendment, or rescission is estimated to cost less than five hundred dollars (\$500) in the aggregate or for an emergency the time the emergency is effective, then the agency must file a declaration by the department director to that effect. Fiscal note forms and affidavits are available online at <sos.mo.gov/adrules/forms>.

9. When is an agency required to file a private fiscal note?

A private fiscal note must be filed if a proposed or emergency rule, amendment, or rescission will require an expenditure of money by or reduction in income for any person, firm, corporation, association, partnership, proprietorship, or business entity of any kind or character which is estimated to cost more than five hundred dollars (\$500) in the aggregate (over the lifetime of the rule) or for an emergency the time the emergency is effective. The private fiscal note must provide an estimate of the number of persons or business entities by class that would be affected, a classification by types of the business entities in such manner to give reasonable notice of the number and kind of business affected, and an estimate in the aggregate for the cost of compliance for the affected entities. Fiscal note forms and declarations are available online at <sos.mo.gov/adrules/forms>.

10. May an agency with cost estimates of more than five hundred dollars indicate in its public and private fiscal note(s) and declaration that the public or private entity cost is undetermined rather than providing actual cost calculations?

No. The state agency must provide actual cost calculations and projections in the aggregate (over the lifetime of the rule) or for an emergency the time the emergency is effective for all agencies, political subdivisions, persons, or business entities affected by the rule or the rule will be void and of no further force and effect. Some agencies do so by providing a first-year cost and then estimated annual costs thereafter for the lifetime of the rule. See **Missouri Hospital Association v. Air Conservation Commission**, 874 S.W.2d 380 (Mo. App. W.D. 1994).

FREQUENTLY ASKED QUESTIONS

11. What entities are considered political subdivisions for which a state agency must calculate costs in a public cost fiscal note when filing a rule, rule amendment, or rule rescission?

Section 536.200, RSMo, provides that a political subdivision includes counties, cities, towns, and villages, and school, road, drainage, sewer, water, levee, or any other special purpose district.

12. What is incorporated by reference material? Where can I find incorporated by reference material?

According to section 536.031.4., RSMo, an agency may incorporate by reference rules, regulations, standards, and guidelines of an agency of the United States or a nationally or state recognized organization or association without publishing the material in full. The reference to the material incorporated in the rule must fully identify the incorporated material by publisher, address, and date in order to specify how a copy of the material may be obtained and shall state that the referenced rule, regulation, standard, or guideline does not include any later amendments or additions.

The agency incorporating a rule, regulation, standard, or guideline must maintain a copy of the referenced rule, regulation, standard, or guideline at the headquarters of the agency and shall make it available to the public for inspection and copying at no more than the actual cost of reproduction. Materials incorporated by reference must be on permanent file with the agency and may not be discarded when the materials are updated.

13. What is the difference in meaning between incorporated by reference material and included herein material?

If material is referred to as “included herein,” then the material must actually accompany the rule and be published with it.

14. How does the public submit comments to the agency regarding proposed rules, proposed amendments to rules, or the proposed rescissions of rules?

Comments are submitted to the agency proposing the rule or rule changes. The text of the proposed rule, amendment, or rescission will provide the name and address of the agency or entity where comments must be filed and the deadline for submitting such comments.

Comments are not filed directly with the Secretary of State (SOS) Administrative Rules.

15. Once an agency has received all comments to a proposed rulemaking, what is the next step in the rulemaking process?

The agency prepares a final order of rulemaking that includes summaries of all the comments received, the agency’s response to each comment, and any changes made to the proposed rulemaking as a result of the comments. Similar comments may be consolidated into one (1) comment as part of the final order of rulemaking.

16. When is the final order of rulemaking filed with SOS?

The final order of rulemaking must be filed with the secretary of state no later than ninety (90) days from the end of the comment period or hearing date, whichever is later, or it will become void and the process will have to start over. *Prior to filing with the SOS, the final order must be filed first with JCAR for their thirty- (30-) day review period.*

FREQUENTLY ASKED QUESTIONS

17. After the final order of rulemaking is filed with the secretary of state, when does the new rule or rule change(s) become effective?

The new rule or rule changes becomes effective thirty (30) days after the final order of rulemaking is published in the *Code of State Regulations*, unless the agency has requested a later effective date in the order of rulemaking.

EMERGENCY RULES

1. What is an emergency rule?

Under section 536.025, RSMo, an emergency rule requires an early effective date because of an immediate danger to the public health, safety, or welfare or to preserve a compelling governmental interest.

2. How quickly can an emergency rule become effective?

Emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule.

3. How long can an emergency rule stay in effect?

An emergency rulemaking is effective for one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer and may be terminated at any time by the agency. All emergency rules must include a statement setting forth the dates during which they will be in effect.

4. My emergency rule is about to expire. May I file another one?

No. Emergency rules are not renewable. If a proposed rule is filed at the same time as an emergency, it is possible to have the proposed rule become effective before or by the time the emergency rule expires.

5. Once an emergency rulemaking is filed with the secretary of state, will it automatically go into effect?

No. Emergency rules are reviewed by the secretary of state's office to determine if they comply with the statutory requirements for publication and adoption. See section 536.025, RSMo.

6. How does an agency or entity that has filed an emergency rule terminate such rule?

The agency may terminate an emergency rule during the period the rule is in effect by filing an order with the secretary of state fixing the date of such termination. The order of termination will be published in the *Missouri Register*.

RULEMAKING MANUAL AND TRAINING

1. Is the rulemaking manual available on the Internet?

Yes. The *Missouri State Rulemaking Manual* is online at sos.mo.gov/adrules/manual/manual.

2. Is there a way for my agency to arrange for training on rulemaking?

Yes. Administrative Rules of the Secretary of State conducts rulemaking training sessions for state agencies. To set up a rulemaking class, call (573) 751-4015. Classes are offered virtually or in person.

MISSOURI REGISTER

1. What is the *Missouri Register*?

The *Missouri Register* is the publication that sets forth all state agency rulemakings as they proceed through the rulemaking process. Specifically, the *Register* will contain emergency rulemakings, proposed rulemakings, final orders of rulemakings, in additions, and other material as required

FREQUENTLY ASKED QUESTIONS

by statute. The purpose of the *Missouri Register* is to allow citizens access to the rulemaking process and the ability to comment on and recommend changes to proposed rulemakings. Additionally, other state government information, such as dissolutions of limited liability companies and limited partnerships, are published in the *Register*.

2. How often is it published?

The *Missouri Register* is published twice a month, around the 1st and 15th of each month.

3. Where can I find it on the web?

The *Missouri Register* is online at sos.mo.gov/adrules/moreg/moreg.

CODE OF STATE REGULATIONS

1. What is the *Code of State Regulations*?

The *Code of State Regulations* is the set of rules promulgated by all state agencies. It is currently comprised of just under eleven thousand (11,000) pages. The rules in the *Code* are organized by state agency.

2. How often is it published?

An update to the *Code of State Regulations* is published once a month on the last day of the month except in January when it is published on the 29th (30th in a leap year). The rulemakings published in the *Code* become effective thirty (30) days after they are published unless a later day has been chosen by the agency.

3. Where can I find the *Code of State Regulations*?

The *Code of State Regulations* is available free of charge online at sos.mo.gov/adrules/csr/csr.

NON-SUBSTANTIVE CHANGE REQUEST

1. Are there non-substantive changes that can be made in a rule without going through the rulemaking process?

Yes. Section 536.032, RSMo allows changes to be made to department or division names, street address, web address, or phone numbers by simply filing a non-substantive change request.

2. Where do I find the Non-Substantive Change Request form?

The form can be found online at sos.mo.gov/adrules/forms.

3. When I submit a non-substantive change request when will that change go into the *Code of State Regulations*?

The change will be made in the update to the *Code of State Regulations* at the end of the month in which the non-substantive change appeared in the *Missouri Register*.

4. Where do I submit a Non-Substantive Change Request form?

The form, along with a transmittal form, cover letter for JCAR, and certificate letter for SOS, is filed with the Joint Committee of Administrative Rules and Administrative Rules of the Office of the Secretary of State just as any other item to be published in the *Missouri Register* would be filed. Email an electronic copy of the PDF packet to JCAR at JTCAR@senate.mo.gov and the word copy to rules@sos.mo.gov. See page 109 of this manual.

DISSOLUTIONS

1. Do I need to publish the dissolution of my company in the *Missouri Register*?

Yes. The secretary of state is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability

FREQUENTLY ASKED QUESTIONS

companies and limited partnerships. The content requirements for the one- (1)- time publishing of these notices are prescribed by these same sections of statute.

2. How do I file a dissolution for publication in the *Missouri Register*?

We request that documents submitted for publication in this section be submitted as an attachment in print-ready 8 1/2" by 11" manuscript by email to adrules.dissolutions@sos.mo.gov or by faxing to (573) 751-3032.

3. What is the charge for publishing a dissolution in the *Missouri Register*?

There is no charge to publish a dissolution in the *Missouri Register*.

CONSTRUCTION CLAIMS BINDING ARBITRATION CAP

Where can I find the Construction Claims Binding Arbitration Cap?

The Construction Claims Arbitration Cap is published yearly in the *Missouri Register*, usually in December. The most current cap published can be found in the Rule Changes Since Update table in the latest issue of the *Missouri Register* under 20 CSR Construction Claims Arbitration Cap. The last page number listed will be the most current limit published.

STATE LEGAL EXPENSE FUND

Where can I find the State Legal Expense Fund?

The State Legal Expense Fund is published yearly in the *Missouri Register*, usually in December. The most current fund published can be found in the Rule Changes Since Update table in the latest issue of the *Missouri Register* under 20 CSR State Legal Expense Fund. The last page number listed

will be the most current limit published.

SOVEREIGN IMMUNITY LIMIT

Where can I find the Sovereign Immunity Limit?

The Sovereign Immunity Limit is published yearly in the *Missouri Register*, usually in December or January. The most current limit published can be found in the Rule Changes Since Update table in any issue of the *Missouri Register* under 20 CSR Sovereign Immunity Limit. The last page number listed will be the most current limit published.

How can I contact Administrative Rules?

You may contact us by telephone at (573) 751-4015; by email at rules@sos.mo.gov; by regular mail at Office of the Secretary of State, Administrative Rules, PO Box 1767, Jefferson City, MO 65102; or in person at the James C. Kirkpatrick State Information Center, 600 W. Main Street, Jefferson City, Missouri, Room 168.

How often are rules reviewed?

Under the Periodic Review (see page 136), rules are reviewed every five (5) years.

DEFINITIONS

Administrative Rules

Administrative Rules of the Office of the Secretary of State, located in Room 168, James C. Kirkpatrick State Information Center, 600 W. Main, Jefferson City, MO 65101 or PO Box 1767, Jefferson City, MO 65102. Administrative Rules is the publisher of the *Missouri Register* and the *Code of State Regulations*.

Authority section

Paragraph following text of the rule showing section number(s) and latest revision date of *Revised Statutes of Missouri* that provides the authority for making that rule. Following this number(s) is a history of the filed and effective dates for the original rule and all of its amendments.

Cover letter or certification letter

Letter (on agency letterhead) naming the rule number and type of rule and stating the completeness and accuracy of the rule, signed by the person with rulemaking authority for your department/division, board, or commission. One (1) cover letter may serve for several rules, but each rule number must appear on the cover letter and a copy goes with each set for each rule. Please **bold** the rule number on the original for each rule with which it is included.

Declaration

Statement affirming public cost of proposed rulemaking is less than five hundred dollars (\$500) or the accuracy of the public fiscal note if cost is more; signed by your department director, or the person to whom authority for rulemaking has been delegated.

Designated signer

Persons authorized by the director of your department/division, board, or commission to sign declarations, fiscal notes, and cover letters. A delegation of authority letter signed by the director and designated signer(s) must be on file in Administrative Rules.

Economic impact on small business

Section 536.300, RSMo, requires any agency filing a proposed rulemaking to consider if it has an impact on small business. If not, the agency shall so certify in the transmittal letter for the proposed rulemaking. If there is an impact, a small business impact statement is to be filed with the secretary of state, the Joint Committee on Administrative Rules, and the Small Business Regulatory Fairness Board on the same day the proposed rulemaking is filed. Their email address is sbrfb@ded.mo.gov.

Any agency filing a proposed rulemaking must determine if the proposed rulemaking conforms to the requirements of section 1.310, RSMo, regarding user fees. In addition, the agency must also certify that the proposed rulemaking complies with the small business requirements of section 1.310, RSMo.

Effective date

The date set by statutes when a rule becomes effective. Normally, the effective date of a rule is thirty (30) days after publication in the *Code of State Regulations* (CSR). An agency may choose a later date.

DEFINITIONS

Filing

Send rulemakings to Administrative Rules, Joint Committee on Administrative Rules, and the Small Business Regulatory Fairness Board, if applicable, for publication.

Fiscal Note

Calculation and description of costs for proposed rulemaking when it is expected to exceed five hundred dollars (\$500) in the aggregate. These are to be done on forms provided in the rule manual, formatted in Microsoft Word or Excel. These forms are also available online at www.sos.mo.gov/adrules/forms.

GPO Style Manual

The United States Government Printing Office Style Manual is used for questions of style in the *Code of State Regulations* and *Missouri Register*. This is available on the Internet at govinfo.gov/content/pkg/GPO-STYLEMANUAL-2016/pdf/GPO-STYLEMANUAL-2016.pdf.

Joint Committee on Administrative Rules (JCAR)

Joint membership committee of the legislature (both houses) that consists of five (5) members of the Senate and five (5) members of the Missouri House of Representatives. The senate members of the committee are appointed by the President pro tem of the senate and the house members by the Speaker of the house. JCAR is located in Room B-8, State Capitol Building, Jefferson City, Missouri.

Julian Day Number Calendar

A calendar which has each day of the year numbered from 1 to 365 (or 366 in a leap year).

Legislative Days

For purposes of emergency rules which may be effective for up to thirty (30) legislative days the definition is in section 536.025.7, RSMo – “A rule adopted under the provisions of this section shall clearly state the interval during which it will be in effect. Emergency rules shall not be in effect for a period exceeding one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. For the purposes of this section, a “legislative day” is each Monday, Tuesday, Wednesday, and Thursday beginning the first Wednesday after the first Monday in January and ending the first Friday after the second Monday in May, regardless of whether the legislature meets.”

Numbers in Rules

See the *GPO Style Manual* instructions for using numbers in legal documents. See govinfo.gov.

PDF Packet

The complete rule packet required for each rulemaking filing (see page 5.00A)

Promulgate

To make known or publicly announce the terms of (a proposed rule or law).

Public hearing

An open meeting with time and place designated for the agency to hear discussion on a proposed rulemaking. The announcement of time and place for public hearing must be

DEFINITIONS

published in the *Missouri Register* at the same time as the proposed rulemaking. When there is to be a hearing, it must be at least thirty (30) days after the publication date of the proposed rulemaking. The hearing can be virtual.

Publisher's note

A note written by the Office of the Secretary of State providing additional information about a rule.

Purpose section

A short description of the reason for a rule. An amendment has a purpose that only describes the reason for the amendment and does not go to the permanent rulemaking.

Small Business Regulatory Fairness Board

Board established by section 536.305, RSMo, located in Room 680, Harry S Truman Bldg., 301 West High Street, Jefferson City, MO 65102, (573) 526-3606.

Style Guide for Rule Writers

This guide addresses style that is specific to administrative rules published in the *Missouri Register* and *Missouri Code of State Regulations* and is not intended as a comprehensive grammar and usage reference. The intent of the [style guide](#) is to familiarize agency rule drafters with the kinds of stylistic vices that Administrative Rules editors seek to correct in rule text. An agency's rules may contain exceptions to many of the suggestions in this style guide; however, most new rules can be written to conform with the standards contained therein.

Takings analysis – Executive Order 93-13 and section 536.017, RSMo, directs each agency doing a proposed rulemaking to do a “takings analysis” to evaluate whether the rule constitutes a taking of real property. Furthermore, “No department or agency shall transmit a proposed rule or regulation to the Secretary of State until such an analysis has occurred.” A takings analysis is **not** required when the rule is federally mandated or if the rule substantially codifies existing federal or state law.

Transmittal – Cover sheet for each rule with number of rule and type of rule provided.

RULE NUMBERING

Question: I'm writing a rule. How do I number it?

Answer: Ask Administrative Rules of the Office of the Secretary of State, and we can assist you with selecting the appropriate rule number.

The Secretary of State's Office is responsible for the numbering of all rules (section 536.023, RSMo). Basically, the rule number is determined by what agency you are with, the division in that agency, and the subject the rule will cover.

For instance, if your agency has written a new rule on wooden duck toys, it would make sense that the rule goes in your chapter that already exists on wooden toys. If you had a new rule on metal toy soldiers, and there was no chapter on metal toys, you would probably want a new chapter on metal toys. The main thing to remember when trying to establish rule numbers is where would the rule be located within your rules logically.

Rules about rule numbers

A rule number can only be used once. Once a rule number has been used for a rule, the same rule number cannot be used for another rule with a different subject. For instance, you wrote a rule, **15 CSR 30-995.030 Wooden Duck Toys**. Two (2) years later, you rescinded this rule, as it was no longer necessary to have a rule on wooden duck toys. Now you have determined you need a rule on metal toy soldiers, so you write the new rule; you cannot give it the number **15 CSR 30-995.030 Metal Toy Soldiers**. This rule would require another rule number because it has a different subject matter than the rule that originally contained this number.

Instead, you assign the new rule number **15 CSR 30-995.050 Metal Toy Soldiers**, using a rule number that has not been used before, as this is your first rule on metal toy soldiers. In an effort to further clarify, rather than complicate, let's assume you later decided you needed a rule on wooden duck toys again. You could use **15 CSR 30-995.030** for this rule since it is the same subject matter. You would, however, need to make sure that you include the history in your authority section from the original rule.

Leave room in your chapters for expansion of rules. Let's say you have a new chapter **15 CSR 30-997**, and you have ten (10) new rules. If you number the rules 15 CSR 30-997.001 through 15 CSR 30-997.010 that works for now. However, next year if you should want to come back and add a new rule and want to put it between rule 15 CSR 30-997.003 and 15 CSR 30-997.004, you have no place to put it. So, in the beginning, it would be better to allow for space between your rule numbers. For example, assign rule numbers in increments of ten (10) – 15 CSR 30-997.010, 15 CSR 30-997.020, etc. This way, you should have room to add rules between numbers in the future should the need to do so arise.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system –

Title	CSR	Division	Chapter	Rule
25 Department	Code of State Regulations	15- Agency division	5 . General subject area regulated	025 Specific subject area regulated

and should be cited in this manner: 25 CSR 15-5.025.

The rule is properly cited by using the full citation, for example, 25 CSR 15-5.025 NOT Rule 15-5.025.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I., and subitem a.

STATUTES

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated in the authority section of the rule. The citation for those sections of the statutes would be cited as section 536.010, RSMo 2016, or Chapter 536, RSMo 2016. A statute cited within the rule text does not require a date and should read as “section 536.010, RSMo,” or “Chapter 536, RSMo.”

INCORPORATED BY REFERENCE AND INCLUDED HEREIN

When we do not include a form or other material, or do not publish the form or other material, but it is considered a part of the rule and is referred to in the rule, we will use the term “incorporated by reference.” This will meet the requirements of sections 536.021.2.(3) and 536.031.4., RSMo, to make this material available at the office of the adopting state agency. The reference in the rule must identify the incorporated material by publisher, address, and date. It must also specify how a copy of the material may be obtained. The rule must state that it does not include any later amendments or additions.

When the form or other material is included and is considered a part of the rule, and we do publish the form or other material, we will state that the form or other material is “included herein.”

Finally, the text of the rule should not be divided by other language that is not a part of the rule. Therefore, when utilizing “included herein” and publishing forms or other material, this is considered part of the rule and should appear before the authority section.

Many agencies have found listing the website where a form can be obtained to be a more effective way of making the form available to their clients. If you are incorporating a website by reference, make sure you keep an electronic copy of the website as of the date the website is incorporated by reference in your rule.

ANNOTATIONS

Sometimes rules can cause controversy, which may lead to entire rules or parts of rules being challenged in court. In some instances, a court may declare that part, or all, of a rule is valid or invalid.

When this occurs, an agency may want to add an explanation of the case to the published rule in the *Code of State Regulations*. Additionally, a note about a case involving the subject matter covered, as well as an attorney general's opinion about a particular subject, may be added. This annotation may be added to the rule as published in the *Code of State Regulations*.

The agency should submit the annotation when they file their rulemaking with the Office of the Secretary of State. The annotations will not be published in the *Missouri Register*, but will be published in the *Code of State Regulations*.

The *Code of State Regulations* is not fully annotated. Only annotations submitted by the agencies or the courts to the Office of the Secretary of State are published in the *Code of State Regulations*. There may be additional court cases, opinions, and other such material about particular rule subjects that are not included in the *Code of State Regulations*.

Annotations added by agencies may be removed through the rulemaking process. Annotations added by court decisions cannot be removed.

WHAT IS THE DIFFERENCE BETWEEN A STATUTE AND A RULE?

Statutes are laws approved by the Missouri General Assembly and usually by the governor. They are based on constitutional authority granted to the legislature to establish policies and are approved by a majority of the house and senate. The statutes, or the laws passed by the legislature, are published in the *Revised Statutes of Missouri*. Statutes may be created and amended each year by the legislature. Following each session the *Revised Statutes of Missouri* are updated and republished by the Joint Committee on Legislative Research, usually by adding a supplement with new and amended statutes.

The executive branch of state government promulgates rules. The executive branch includes elected officials – governor, lieutenant governor, secretary of state, attorney general, state treasurer, and state auditor. Also included in this branch under the administration of the governor's office are all the various state agencies, such as the Department of Transportation, Department of Elementary and Secondary Education, Department of Conservation, Department of Public Safety, etc.

These elected officials and state agencies have rulemaking authority granted both constitutionally and by legislative statutes. Once the executive entities have been granted rulemaking authority, they have the right to create rules to establish policy and procedure for carrying out their functions. Once effective, these rules have the force and effect of law.

THE DOS AND DON'TS OF MOVING RULES

Question: *I have a rule that I want to move. May I move it to another place in the Code?*

Answer: Maybe yes, maybe no. First, we need to find out why you want to move the rule and where you wish to move it.

Sometimes rules must be moved because a division is transferred from one state agency to another. In these cases, rules can be moved. Sometimes divisions reorganize, and this can also result in a need to move rules.

The best way to move a rule is by amending it. When you amend a rule to move it, not only can you change the rule number, but you can also amend any references inside the rule that refer to old rule numbers or statutes that might have changed as a result of reorganization. A reference to the original rule number is added to the history of the rule.

A rule may also be moved by rescinding the old rule and readopting a new rule in a different location. This situation can occur when divisions move to new state agencies and their responsibilities are increased or decreased. The old rule's history stays with the old rule. However, a notice is usually included in the new rule's authority section stating that material covered in this rule was previously contained in (insert old rule number).

In certain circumstances, rules may be moved through an In Addition in the Missouri Register. Rules moved in this fashion can only have the rule numbers changed and cannot correct any old references within the body of the rule. To correct any outdated references in the rule, a proposed amendment through the normal rulemaking process must be completed or, in some cases, a non-substantive change can be made. A reference to the original rule number is added to the history of the rule.

SUSPENSION OR TERMINATION OF RULES

Section 536.022, RSMo, lays out the process for suspending or terminating rules. Suspension or termination of rules occurs very rarely.

Notice of suspension or terminations of rule shall be filed with Administrative Rules immediately. The requirements for this notice are found in 536.022.2, RSMo.

These notices will be published in the *Missouri Register* as soon as practicable.

As a courtesy Administrative Rules will also publish these notices on our website at <https://www.sos.mo.gov/suspended>.

A history of suspensions or termination of a rule or part of a rule will be recorded in the authority section of the rule.

TIMELINE FOR PUBLISHING ADMINISTRATIVE RULES

The publication schedule for the *Register* and the *Code* is published near the bottom of the contents page of the *Missouri Register* and on the Internet at sos.mo.gov/adrules/pubsched. This shows when a particular filing will be published and when a final order becomes effective after publication.

A proposed rule, proposed amendment, or proposed rescission must have a complete PDF packet filed with the Joint Committee on Administrative Rules (JCAR) at JTCAR@senate.mo.gov on the same day this packet will be forwarded to the Administrative Rules Division, at rules@sos.mo.gov, as well as the Small Business Regulatory Board (if applicable), at sbrfb@ded.mo.gov.

A proposed rule, proposed amendment, or proposed rescission must have at least a thirty- (30-) day comment period following the publication date. Likewise, if the rule is to have a public hearing, it must be scheduled at least thirty (30) days after the publication date of the proposed rule or amendment.

Once this thirty- (30-) day comment period or hearing date has passed, then you have ninety (90) days to act on the proposed rulemaking by filing a final order. The final order may either adopt the proposed rulemaking or withdraw it. In the case of adoption or withdrawal, a copy of the final order must be filed electronically with JCAR at JTCAR@senate.mo.gov **thirty (30) days before filing** with Administrative Rules, at rules@sos.mo.gov. This order is first published in the *Missouri Register* then in the *Code of State Regulations*. It may become effective thirty (30) days after publication in the *Code of State Regulations*.

Example: A proposed rule is filed with JCAR and Administrative Rules on May 1. This rule is published in the June 1 issue of the *Missouri Register*. The thirty (30) days for receiving comments following June 1 ends on July 1. The final order may be filed with JCAR on July 2. A Word version of the rulemaking must be sent to Administrative Rules by July 2. The order is stamped by JCAR and can be sent to Administrative Rules on August 1, which is the first day after the required thirty- (30-) day review period for JCAR that the rule can be filed. The order filed with Administrative Rules is then published in the September 4 *Missouri Register*. The final form of the rule is then published in the September 30 update to the *Code of State Regulations*. The rule becomes effective thirty (30) days following publication in the *Code*, which is October 30.

The previous example shows approximately the shortest time it takes from the original filing until a rule becomes effective, about six (6) months. It can take up to seven (7) or eight (8) months if the entire ninety (90) days in the life of the proposed rulemaking is utilized. If the deadlines in the *Missouri Register* schedule are not followed, extra time is added between filing and publishing. In our example, if the proposed rule had been filed on May 2 instead of May 1, it would have moved the publication date in the *Missouri Register* to June 15. If the final order had been filed with Administrative Rules on August 16, the order would have been published in the October 1 *Missouri Register* and then published in the October 31 update to the *Code of State Regulations*, giving an effective date of November 30.

TIMELINE FOR PUBLISHING ADMINISTRATIVE RULES

Tip: Use the timeline calculator at s1.sos.mo.gov/adrules/datecalc/ to calculate the various filing dates and deadlines associated with the rulemaking process.

RULEMAKING TIMELINE CALCULATOR

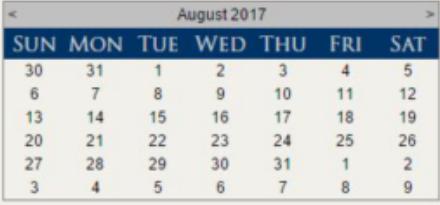
This rulemaking timeline calculator is intended only as an aid in calculating rule filing dates and deadlines and is not a substitute for the user independently checking the accuracy of the dates and deadlines. The user is ultimately responsible for ensuring such dates and deadlines are accurate and correct.

Instructions:

1. Select the type of rulemaking from the drop down box below.
2. Use the calendar to select the date filed.
3. Then press the compute dates button.
4. Calculated dates and other information will appear below.

Select type of rulemaking:

Enter date to be filed with Administrative Rules Division, Office of the Secretary of State:


August 2017

SUN	MON	TUE	WED	THU	FRI	SAT
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2
3	4	5	6	7	8	9

Override minimum thirty-day comment period. Use only when there is a public hearing or longer comment period.

TIMELINE FOR EMERGENCY RULES

An emergency rule is filed with the Joint Committee on Administrative Rules and the Administrative Rules Division on the same day. It may become effective as early as ten (10) business days after filing, or any time after that as indicated in the rule.

When the emergency rule becomes effective, it may remain effective for one hundred eighty (180) calendar days or thirty (30) legislative days. Use the timeline calculator at s1.sos.mo.gov/adrules/datecalc/ for filing dates and deadlines associated with emergency rulemaking. The calendar will give effective dates as well as expiration dates for both. If you wish it to expire sooner, you may elect to choose an earlier date.

There is also a provision to allow a rule to be effective for up to thirty (30) **legislative days**, if that is a longer period of time than the one hundred eighty (180) calendar days. This would apply from approximately the end of March until the first of August. See section 536.025, RSMo, in the Appendix to this manual for an explanation of how to count legislative days.

NOTE: When the thirty (30) legislative-day option is selected, the rule may remain effective until sometime in either January or February, depending on whether or not the effective date includes any legislative days in April or May of the previous legislative session. Use the timeline calculator at s1.sos.mo.gov/adrules/datecalc/ to find for a particular emergency rulemaking whether the one hundred eighty (180) calendar days or thirty (30) legislative days would be better for your emergency rulemaking.

FILING PROCESS FOR AGENCIES FILING RULEMAKINGS

If a rulemaking needs to be filed with the Missouri Small Business Regulatory Fairness Board, please contact them by email at sbrfb@ded.mo.gov or call (800) 719-1401.

To file with JCAR, email the entire PDF rulemaking packet to JTCAR@senate.mo.gov.

Please continue to send a Word copy of the rulemaking to rules@sos.mo.gov.

JCAR will then stamp and forward the entire rulemaking packet to rules@sos.mo.gov.

For the very few rulemakings that are exempt from JCAR, email them directly to rules@sos.mo.gov with a note explaining this fact.

For orders, JCAR will send the PDF rulemaking packet back to agency, and at the end of thirty (30) days the agency will need to send it to rules@sos.mo.gov.

Once Administrative Rules has received the PDF rulemaking packet, we will stamp and scan a copy to send back to the agency that promulgated the rulemaking.

For questions for JCAR, please call (573) 751-2443 or email JTCAR@senate.mo.gov.

For questions for Administrative Rules, please call (573) 751-4015 or email rules@sos.mo.gov.

MISSOURI RULEMAKING WEBPAGES

- *Missouri Register*
sos.mo.gov/adrules/moreg/moreg
- *Code of State Regulations*
sos.mo.gov/adrules/csr/csr
- **Rulemaking Manual**
sos.mo.gov/adrules/manual/manual
- **Timeline Calculator**
s1.sos.mo.gov/adrules/datecalc/
- **Administrative Rules Forms**
sos.mo.gov/adrules/forms
- **Rules Copies to Amend**
sos.mo.gov/adrules/agency
- **Joint Committee on Administrative Rules**
senate.mo.gov/jcar

FORMS

The following forms are for the use of agencies filing rulemakings. They may be found online at sos.mo.gov/adrules/forms.

- Rule Transmittal
- Declaration (public cost more than \$500)
- Declaration (public cost less than \$500)
- Fiscal Note Public Cost
- Fiscal Note Private Cost
- Delegation of Authority
- Certification Letter
- Emergency Certification Letter
- Non-Substantive Change Request
- Notice of Suspension of Rule
- State Agency Small Business Impact Statement Form can be obtained at <https://www.sos.mo.gov/adrules/forms>.

PERIODIC RULE REVIEW PROCESS

The periodic rule review process is set forth in section 536.175, RSMo, and requires all rules in the *Code of State Regulations* to be reviewed on a rolling five- (5-) year cycle. Once the initial five- (5-) year cycle is complete a new five- (5-) year cycle will begin again in the same order. Agency review will begin on the following schedule:

Titles	Begin Review by	Complete Review by
1-6	July 1, 2020 (2025, 2030, etc.)	June 30, 2021 (2026, 2031, etc.)
7-10	July 1, 2021 (2026, 2031, etc.)	June 30, 2022 (2027, 2032, etc.)
11-14	July 1, 2022 (2027, 2032, etc.)	June 30, 2023 (2028, 2033, etc.)
15-19	July 1, 2023 (2028, 2033, etc.)	June 30, 2024 (2029, 2034, etc.)
20-end	July 1, 2024 (2029, 2034, etc.)	June 30, 2025 (2030, 2035, etc.)

Each review period begins with the Joint Committee on Administrative Rules (JCAR) submitting a notice for publication in the *Missouri Register* indicating what titles are under review, that comments may be submitted to the agency concerning rules under review within sixty (60) days of notice publication, and listing agency contact information. Each agency must select one (1) contact person who will receive comments, compile the agency report, and submit the report to JCAR.

A template for agency use in compiling and submitting the periodic review report is available on the JCAR website at senate.mo.gov/jcar. During the review, agencies must evaluate whether each rule continues to be necessary, whether the rule is obsolete, whether the rule overlaps, duplicates or conflicts with other rules, whether a less restrictive or more narrowly tailored rule is appropriate, whether the rule needs amendment or rescission, whether incorporated by reference materials are proper, and whether rules affecting small business are still relevant. The report should also contain an appendix regarding the comments the department received on the rules and the agency responses to the comments.

Any rule not included in the report may become null and void. However, JCAR will offer opportunities to correct any deficiencies in the report before nullification of any rule(s) occurs. Any agency having difficulties compiling the report should contact JCAR. Agencies should complete all rule revisions indicated in the report in a timely manner. None of the prior needed revisions should remain incomplete when the agency again enters a review cycle.

Chapter 536 ADMINISTRATIVE PROCEDURE AND REVIEW
is available online at revisor.mo.gov/main/OneChapter.aspx?chapter=536